



NEXT PHASE

THE TOWN PLANNING EXPERTS

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: The London Borough of Camden Council
Application No: 2021/3191/P

Statement of Case to the Planning Inspectorate for enlarged driveway and
hardstanding in front garden and associated widened dropped kerb as an amendment
to planning permission 2019/0810/P dated 10.5.19 (for alterations to the front
driveway, front steps to the property and front garden) (part-retrospective) at
31 Crediton Hill, London, NW6 1HS

STATEMENT OF CASE

On behalf of Mr & Mrs Davidson

February 2022



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Statement of Case – 2021/3191/P

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Mr & Mrs Davidson

February 2022

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1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Mr & Mrs Davidson.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden Council (*“the Council”*) on 9th February 2022 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 Part retrospective planning permission is sought for an enlarged driveway and hardstanding in the front garden and an associated widened dropped kerb which itself forms an amendment to the planning permission 2019/0810/P which was granted planning permission for alterations to the front driveway, front steps to the property and the front garden at 31 Crediton Hill, London, NW6 1HS.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reasons for refusal brought forward by the Council within their Decision Notice.
- 1.5 This appeal has been prepared with the intention of appealing via the written representations route and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list where appropriate.
- 1.6 It is noted from the decision that the Council, in issuing the decision, has authorised the Planning Department to instruct the borough’s solicitor to issue an Enforcement

Notice against the alleged breach of planning control. At the date of publication of this report, the Enforcement Notice in question has not been issued, however it is the appellant's intention to appeal an Enforcement Notice under separate cover and seeks to link the appeal cases whilst at the Planning Inspectorate.

2.0 STATEMENT OF CASE

2.1 Reasons for Refusal

The Council refused the application for two reasons which are contested by the appellant and as such the statement of case against these reasons for refusal are outlined within this chapter.

2.2 Reason for Refusal 1 Detail

“The proposed development, by virtue of the loss of the front boundary wall and soft landscaping and its replacement with a large area of incongruous white stone paving, results in the loss of a traditional front garden landscape and boundary treatment thus harming the character and appearance of the host property, streetscene and West End Green Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Local Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2016”.

2.3 The Council consider that the loss of the front boundary wall and original soft landscaping offers harm to the character and appearance of the host property and as such the West End Green Conservation Area. It is the appellant’s assertion that the proposed layout, by comparison to the original, pre-existing front drive, provides a responsive and attractive front driveway treatment that maintains consistency with the existing streetscene with regard to the materiality and character of the stairwell, and large planter area, whilst providing an appropriately sized hardstanding area that is consistent with the context of the existing streetscene.

2.4 Consideration of the Council’s position can be identified by way of the accompanying Delegated Officer’s Report. It is noted that the report makes heavy reference to the aspirations of CPG Home Improvements in seeking that *“front garden and other similar*

- forecourt spaces should consider a balance between hard and soft landscaping, and where changes take place, no more than 50% of the frontage area should be for hardstanding*". This, in combination with a review of the pre-existing site context is considered to form the basis of assumption that the proposal offers harm to the streetscene and as a by product of this the conservation area.
- 2.5 The proposal has brought forward a substantially improved provision of hardstanding by comparison to the deteriorating provision of driveway and stairwell associated with the pre-existing condition; the lack of quality associated with that pre-existing condition was reflected and referenced by way of the granting of planning permission 2019/0810/P to make substantial changes to it. It can be reasonably concluded therefore that the Council also agree with the appellant that the pre-existing provision of layout had a substantial degree of opportunities for improvement, such improvements being beneficial to the conservation area.
- 2.6 By comparison to the pre-existing provision, the driveway as exists now provides a uniform and high quality provision of hardstanding that provides a direct reference and tying in of the aesthetic to both the stairwell and the front elevational treatment of the property whilst maintaining a substantial raised landscaping planting bed, that which seems to be undersubscribed as to its benefits by the Local Planning Authority.
- 2.7 By comparison to the pre-existing condition of the driveway, the proposal brings forward a very minor addition of hardstanding to the driveway, which has in part been facilitated by way of the approach to the staircase; the proposal has, by comparison to the pre-existing condition, prioritised the retention of landscaping and planting on the site's northern most boundary, so as to retain an attractive contribution towards a softer green setting, certainly by comparison to the adjacent dwellings immediately south of the property, and in a consistent manner with the properties further north.
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- 2.8 Whilst the proposal has varied from the original planning permission 2019/0810/P in doing so the only notional loss of landscaping is that sat between the pathway and the driveway, it is a relatively limited provision of space for which its landscaped description was not identified within the original permission.
- 2.9 By comparison the as built provision of space has provided consistency with the balance of walled and open provision in comparison to the dwellings immediately to its north along Crediton Hill, whilst providing a substantially increased provision of landscaping and enclosure by comparison to the properties immediately south, most notably 29 and 27 Crediton Hill.
- 2.10 The Council raised concerns with regard to the “*Mediterranean style*” white driveway surfacing material, however the distinctness of the finish is considered to be oversubscribed by the Local Planning Authority, and if there is a requirement to consider the impact of the finish upon the conservation area, is that the aesthetic creates a brighter more aesthetically appropriate finish to the driveway, tying in the driveway itself to the stairwell and window detailing associated with the appeal property, providing direct reference to the white render found commonplace within this extent of the residential street.
- 2.11 It is concluded that the proposal provides an appropriate balance between the provision of green landscape space and driveway; so as to accord with the overarching expectations associated with planning Policy D1 to secure high quality design and development which respects local context and character. In doing so the proposal is considered to be appropriate within the context of its location and as such offer no measurable harm to the West End Green Conservation Area.

2.12 To the contrary, it is considered that the proposal by way of its design brings forward an attractive visual environment, meeting the overarching expectations of what front driveways should do from an aesthetic perspective so as to contribute positively to the character and appearance of the conservation area.

2.13 Reason for Refusal 2 Detail

“In the absence of detailed measures to mitigate the loss of permeable green space, the development fails to be resilient to climate change and would contribute to the risk of surface water flooding, contrary to policies CC2 (Adapting to Climate Change) and CC3 (Water and Flooding) of the Local Borough of Camden Local Plan 2017”.

2.14 The proposal is located on a sloping site, given that Crediton Hill, rises northwards well beyond the application boundary. The property itself provides a sloped driveway, with a distinct step up from the entire block paved driveway associated with No. 29 Crediton Hill, with the built separation between the two properties also providing drainage infrastructure servicing the adjacent property.

2.15 It is commonplace within the area for large swathes of the front driveway area to be consisting of hardstanding, much of which is impermeable material such as concrete and block paving.

2.16 By comparison to the originally permitted plans, the proposal offers a limited additional provision of hardstanding, circa to 5sqm of provision. The front driveway otherwise consist of a permeable planter area and the aforementioned stairwell associated with the existing dwelling.

2.17 It is the appellant’s position that the minor increase in hardstanding does not offer a sufficient measurable impact upon surface water drainage beyond the existing baseline

- associated with the site so as to offer harm and this is further exacerbated by the natural topography of the landholding, wherein surface water would naturally drain into the existing drainage infrastructure associated with the street itself.
- 2.18 As such it is considered that the combination of these factors renders it unviable for the scheme to bring forward a sustainable drainage system in line with the drainage hierarchy and within the context of the development the proposal accords as can be applied with the requirements of Policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.
- 2.19 Overall, it is considered that the proposed changes offer a vibrant and proportionate provision of architectural quality so as to contribute towards to the existing streetscene character and as such the conservation area.
- 2.20 In doing so the proposal offers no measurable impact to surface water drainage run off, further to the baseline provision of impact already associated with the dwelling.
- 2.21 It is considered that in bringing forward a proposal that accords with the Development Plan as can be applied, it can be defined as sustainable development, that which accords with the Development Plan and the aspirations of the Framework.
- 2.22 It is respectfully requested therefore the appeal is upheld and planning permission is granted for the proposal.

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