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The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: AY/8292C

29 March 2022

Dear Sir / Madam

Planning Appeal against the refusal of Householder Planning Permission at 24 Heath Drive, Hampstead, London, NW3 7SB

Bell Cornwell LLP ('Us'; 'We'; 'Our') have been instructed on behalf of our client, Worship Construction Ltd (the 'Appellant'), to submit an appeal against the decision made by London Borough of Camden Council (the 'Council') to refuse planning permission (Ref: 2021/5134/P) for the "*Construction of dropped kerb and vehicular crossover*" at 24 Heath Drive, Hampstead, London, NW3 7SB (the 'Appeal Site').

The single reason for refusal is set out in the Council's decision notice dated 24th February 2022 and relates solely to highways matters. The Appellant has therefore instructed Caneparo Associates to prepare a Transport Appeal Statement to support the appeal. This document forms the basis of the Appellants Case. The Appellant has instructed Nick Bond at Caneparo Associates specifically as he has over 25 years' experience working on similar proposals.

Within the original application submission, we made it clear that the proposal would improve highway safety in comparison to the existing situation and the Council have provided no evidence to the contrary. In terms of the encouragement of unsustainable modes of transport, this is a null point, there is an existing crossover present which is used as a vehicle crossover and the proposal is simply to increase its size and provide a dropped kerb to improve safety. It is a matter of fact that the Appellant owns and uses a car, the proposal does not change these circumstances.

This Appeal submission is supported by the following documents:

- Transport Appeal Statement including Appendices (Caneparo Associates)

The original householder application submission was supported by the following drawings and documents:

- Covering letter (Bell Cornwell LLP)



- Application form and Certificates (Bell Cornwell LLP)
- CIL Form (Bell Cornwell LLP)
- Crossover Application Form (Bell Cornwell LLP)
- Planning Drawings (Studio Kyson)
 - 0500 – Site Location Plan and Block Plan
 - 2000 – Existing Site Plan and Proposed Site Plan
 - 2001 – Existing Section and Proposed Section
- Transport Statement and Parking Survey (Caneparo Associates)

At Appendix A we have included draft conditions which we believe are suitable for this development and which meet the required tests.

The Appeal Site

The Appeal Site is a red brick double-fronted, two-storey (with basement, attic and garden) house built in 1907 in the Neo-Georgian style on the south-eastern side of Heath Drive. Number 24 is a Grade II Listed Building (Ref: 1378821) and was first Listed in 1999.

The Appeal Site is also located in the Reddington and Froggnal Conservation Area and is stated as having a positive contribution to the Conservation Area, as part of the group of Quennell House which 'form an impressive and coherent group'.

The Appeal Site currently has a single vehicle access and a separate pedestrian access (which historically was also vehicular). Please see below (**Figure 1**):



Figure 1: Existing Crossover

As the Inspector will note when undertaking their site visit, Nos 23, 26, 27 and 29 Heath Drive have similar carriage drive / double crossover arrangements to that proposed at 24 Heath Drive which are in close proximity to trees and parking bays and there is no evidence of any hazardous effects on the highway resulting from the use of these existing features.



Appeal Statement

Reason for Refusal

The planning application was refused on 24th February 2022. The reason for refusal was:

“The development, by reason of the promotion of car use and the creation of an unnecessary hazard on the public highway, would encourage the use of unsustainable modes of transport and harm local amenity, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017”.

Relevant Planning Policy

The key policy document for this appeal is the London Borough of Camden Local Plan 2017.

Policy A1 (Managing the Impact of Development) is cited within their reason for refusal. In full, it states:

“The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a) seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- b) seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- c) resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and d. require mitigation measures where necessary.*

The factors we will consider include:

- e) e. visual privacy, outlook;*
- f) f. sunlight, daylight and overshadowing; g. artificial lighting levels; h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
a. impacts of the construction phase, including the use of Construction Management Plans;*
- g) j. noise and vibration levels;*
- h) k. odour, fumes and dust;*
- i) l. microclimate; m. contaminated land; and*
- j) n. impact upon water and wastewater infrastructure”.*

Policy T1 (Prioritising walking, cycling and public transport) is cited within their reason for refusal. It states:

“The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment, we will seek to ensure that developments:



- a) *improve the pedestrian environment by supporting high quality public realm improvement works;*
- b) *make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c) *are easy and safe to walk through ('permeable');*
- d) *are adequately lit;*
- e) *provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*
- f) *contribute towards bridges and water crossings where appropriate.*

Cycling

In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development:

- g) *g. provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways and;*
- h) *h. provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport. Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development;*
 - a. *makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers;*
- i) *j. is easy and safe to cycle through ('permeable');* and
- j) *k. contribute towards bridges and water crossings suitable for cycle use where appropriate.*

Public Transport

In order to safeguard and promote the provision of public transport in the borough we will seek to ensure that development contributes towards improvements to bus network infrastructure including access to bus stops, shelters, passenger seating, waiting areas, signage and timetable information. Contributions will be sought where the demand for bus services generated by the development is likely to exceed existing capacity. Contributions may also be sought towards the improvement of other forms of public transport in major developments where appropriate. Where appropriate, development will also be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort”.

Policy T2 Parking and car-free development is sited within their reason for refusal. In full, it states:

“The Council will limit the availability of parking and require all new developments in the borough to be car-free.

We will:

- a). *not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;*
- b). *limit on-site parking to:*



- i. spaces designated for disabled people where necessary, and/or*
- ii. essential operational or servicing needs;*
- c). support the redevelopment of existing car parks for alternative uses; and d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking”.*

Impact on Highway Safety

To avoid repetition, the main body of the Appellant’s Appeal Statement is contained in the supporting Transport Appeal Statement prepared by Caneparo Associates. Therefore, this letter will simply cross reference that Statement.

In relation to all highway safety concerns raised by the Council in their Delegated Report, the Appellant kindly draws the Inspectors attention to paragraph’s 5.2 – 5.12 of the Transport Appeal Statement which provides a firm rebuttal to each point and provides clear evidence that the proposals would not in any way have a detrimental impact on highway safety.

Highway safety is of the utmost importance to the Appellant. As such, the Appellant wishes to highlight to the Inspector that they instructed an independent Stage 1 Road Safety Audit (‘RSA’) to be undertaken (prepared RKS Associates) which is included at Appendix F of the Transport Appeal Statement. The Stage 1 RSA raises no material issues with the proposed access arrangements.

There can be no doubt that the evidence provided by the Appellant far outweighs that of the Council who have categorically failed to provide any evidence other than high-level commentary contained within their Delegated Report. In the absence of such evidence, the Appellant strongly considers the Council are not able to sustain their reason for refusal on highways safety grounds.

Promotion of Unsustainable Modes of Transport

The second part of the reason for refusal relating to the promotion of unsustainable modes of transport is addressed full in paragraph’s 5.13 to 5.22 of the submitted Transport Appeal Statement and we have no further comments to add to this.

Conclusion

The Appeal proposals seek planning consent for identical access arrangements already in place on Heath Drive.

The conclusions of the submitted Transport Appeal Statement are clear that the proposed development will not have a material impact on highway safety and would not encourage the use of unsustainable modes of transport or harm local amenity as inferred by the Council.

The reason for refusal is not based on any clear evidence and the Appellant kindly requests that at the very least the Council are requested to provide such evidence to substantiate their assertions prior to the determination of this appeal.

In light of the above, we kindly request that this appeal is therefore allowed subject to the signing of an appropriate legal agreement between the appellant and the Council regarding highways works.

Yours faithfully



BELL CORNWELL LLP

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Appendix A- Draft Conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 2000 and Drawing 2001.
3. The hard surface of the off-street parking should either be made of porous materials, or provision must be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling-house.
5. The new hardstanding shall not be first used for the parking of a vehicle until such time as works to extend the crossover have been completed and the process by which to adjust the traffic management orders to realign the residents' parking bay has begun.