**Submissions of the Netherhall Neighbourhood Association (NNA)**

**Planning application 2022/1965/P:** **29 Maresfield Gardens NW3 5SD**

*Demolition of part of the front boundary wall, pillars and dwarf wall and creation of hard standing for parking, bin enclosures and associated landscaping to the front (Retrospective)*

**Introduction**

The NNA covers Maresfield Gardens, Netherhall Gardens and Nutley Terrace, located in the Fitzjohns/Netherhall Conservation Area. We strongly object to this application on several grounds:

**Character of the area**

The covering letter claims that the removal of part of the existing front boundary wall is in keeping with the front boundary walls of five other houses in the road, which create a ‘strong precedent’, and ‘very much in keeping’ with the character and appearance of the area. Further, that it provides a ‘sensitive cohesive solution’ to creating a ‘modern front boundary…respectful of the character’ of the surrounding area. This is clearly absurd. Apart from the fact that a modern front boundary is totally inconsistent with the aims of the conservation area – to preserve and enhance the features that make it unique and distinctive – it is neither cohesive nor sensitive nor respectful.

Referring to five houses out of 33 in the lower part of Maresfield Gardens (15%) is hardly a strong precedent. All five date back at least 40 years when times were different and the conservation area did not exist. The wider openings do nothing to improve the character and appearance of the area and would not be acceptable if proposed today. In contrast, 29 Maresfield Gardens was previously distinguished by its unobtrusive entrance, metal gate and healthy privet hedges around the front garden.

This is a Victorian conservation area, not a modern American neighbourhood where the cultural norm is for houses to be open to the street. None of the cited properties have gaps as conspicuous as No. 29 – in almost every case the dropped kerb relates to the size of the gap. At No. 29 it patently does not, with dangerous consequences referred to below.

**Redesign and landscaping**

The extent of the remodelling of the front garden only became apparent when the site hoarding was removed in late March. The completed works contain significantly less than 50% of the earlier soft landscaping in the front. Where there are earth beds, they are largely narrow 50cm wide strips. The new layout has not only removed the front boundary wall, it has inserted a two-car-width hardstanding behind it.

The covering letter claims that the landscaping will ‘visually improve’ the setting of the building as well as the wider street scene and conservation area by removing the existing concrete. This assertion flies in the face of the evidence. The letter also claims that the proposal looks to ‘mitigate any loss of the front boundary wall by reinstating and improving the condition of the existing wall, enhancing its heritage value to both the host property and conservation area.’ There is an inherent inconsistency in that assertion, given that part of the wall was removed. Improving one section of the wall is no compensation for the wholescale damage imposed.

The loss of green space is totally against the Conservation Area Statement which identifies this kind of development as ‘work which should not be allowed’. Indeed, we believe Camden is to begin consulting on an Article 4 direction to remove permitted development rights in front gardens because the incidence of such harm has become so severe. It also runs counter to Camden’s agenda on the climate emergency. Georgia Gould’s statement in the Climate Action Plan 2020-2025 notes that it reflects not only that the climate emergency is at the heart of the Council’s work but also the priorities and ideas of its communities. That must include radical revision of planning policies.

**Hardstanding materials**

The forecourt has been completely covered in what appears to be a hard impermeable finish with the total loss of soft landscaping, using materials inappropriate to the area. The covering letter says the previous concrete slabs have been replaced with a lighter, higher quality stone slab and resin finish of a permeable material to assist sustainable drainage. The resin finish may be porous but it is resting on a cement base, as is the layer of finishing material at No. 9. We question how an area can be permeable if the permeability is just a few millimetres deep and sitting on a non-porous layer.

The Design & Access Statement cites 9 Maresfield Gardens as a precedent. That, too, is the subject of a retrospective application seeking to remedy a serious breach of planning rules, and the NNA has objected in the strongest possible terms.

**Use of hardstanding**

The covering letter specifically states that the removal of part of the front boundary wall and new hard surfacing ‘is not to facilitate the front garden as a parking area’. It also claims that the front of the site ‘does not comprise a crossover to facilitate the use of the front garden for parking’.

It is difficult to give credence to either statement. We have sent photographs to Camden of two incidents showing a contractor’s vehicle parked in that space, in one instance jutting out beyond the boundary line. In any event, if there is no intention to provide parking, it makes no sense to leave the front boundary wall so open, particularly as basketball is played in the forecourt. It is clearly a deliberate plan, in the expectation that the space will be used for parking.

**Parking implications**

Provision for parking means that access has to be across a public pavement where there is no crossover. A new crossover would require the removal of a residents’ car parking bay. A double width crossover would effectively result in a triple crossover as it would adjoin the one outside No. 31. This would be highly dangerous to pedestrians, particularly school children, in a Healthy School Streets Zone. Drivers of tall four-wheel drive and commercial vehicles are often unable to see shorter people if they have to reverse over the pavement to exit from off-street parking. Further, using hardstanding for parking which requires a new crossover is against Camden’s own policy for the conservation area.

**Application form inaccuracies**

We have difficulty reconciling some of the responses in this application. On the face of it they appear misleading. Although retrospective in effect and dated 3rd and 5th May 2022, the form says (at pages 5 and 7) that the work has not already started and is expected to begin in May 2022. On page 6 it is claimed that the proposal will not result in the loss of garden land, and page 9 states that there are no trees or hedges on the development site. Page 11 denies that the proposal will add parking spaces. None of these statements reflects what has happened in practice.

**Conclusion**

We strongly refute the conclusion in the covering letter that the works ‘are considered to have an acceptable impact on the character and appearance of the property and the Conservation area’ and that ‘The development is…in accordance with the aforementioned Development Plan policies’. On the contrary, for the reasons set out above, it is demonstrably detrimental to the character of the conservation area and contrary to the Conservation Area Statement. It reduces green space, encourages contractors to park illegally, and puts the public at risk.

If this application is accepted it will set a precedent for other developers and owners to flout planning permission and seek to justify it after the event, as we have already seen with No. 9 Maresfield Gardens. It will erode our conservation area which the NNA has sought to protect. And it will effectively give vehicles a charter to breach the Highways Act with impunity.

We urge Camden to reject this application and take steps to ensure the reinstatement of the boundary wall as a matter of urgency.