

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		05/03/2020	
		N/A		<b>Consultation Expiry Date:</b>		30/01/2020	
<b>Officer</b>				<b>Application Number(s)</b>			
Nora-Andreea Constantinescu				2021/2918/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
40 Arkwright Road London NW3 6BH				See decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Removal of front boundary wall, front planter and hardstanding to create vehicular access and onsite parking with vehicular crossover (partial retention)							
<b>Recommendation(s):</b>		Refuse planning permission with warning of enforcement action					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		<i>Refer to Draft Decision Notice</i>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining occupiers and/or local residents/groups</b>				No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Neighbouring consultation</b>		No comments received					

<p><b>The Heath &amp; Hampstead Society</b></p>	<p><u>Heath &amp; Hampstead Society have objected to the proposed scheme on the following grounds:</u></p> <ul style="list-style-type: none"> <li>- All local plan and neighbourhood plan policies all oppose parking in front gardens for well argued and long held reasons.</li> <li>- Proposal detracts from the Conservation Area, from bio-diversity, and encourage further applications of the same type.</li> </ul>
<p><b>Redington and FrognaI Neighbourhood Forum</b></p>	<p><u>Redington and FrognaI Neighbourhood Forum have objected to the proposed scheme on the following gorunds:</u></p> <ul style="list-style-type: none"> <li>- Proposals for off-street parking are highly damaging to the Conservation Area, leading to the loss of front boundary walls, hedges and soft surface and are responsible for harm and cumulative harm to the Conservation Area streetscapes.</li> <li>- The proposal is not compliant with the Neighbourhood Plan policies SD 6 and BGI 1 and Camden Local Plan policy T2.</li> </ul>

**Site Description**

The existing property is a three storey semi-detached property located to the north side of Arkwright Road. The area is generally residential. The building lies within and it is considered to make a positive contribution to Redington and FrognaI Conservation Are. The site is also covered by Redington and FrognaI Neighbourhood Plan.

**Relevant History**

Relevant planning history at the application site:

**2016/2386/P** - Conversion from 3x self-contained flats to 2 flats(1x2beds and 1x5beds); replacement 2- storey rear extension at basement and ground floor levels; fenestration alterations; installation of rooflights and new timber sash windows. – **Granted 19/07/2016**

**2016/4823/P** - Alterations to the front garden of the residential building (Class C3) including landscaping and access configuration, bin storage with green roof, cycle storage, front boundary wall and replacement of a tree. **Granted 10/01/2017.**

**2017/0837/P** - Variation of condition 3 (approved drawings) of planning permission ref 2016/2386/P (dated 19/07/2016) conversion from 3x self-contained flats to 2 flats; replacement rear extension at basement and ground floor levels; fenestration alterations; and installation of roof-lights; namely relocation of rear staircase, new clear window at ground floor side elevation, diffuse-glazed window at basement floor level side elevation; and 1 new rooflight on main roof. – **Granted 27/03/2017.**

**2017/6635/P** - Variation of condition 3 (approved plans) of planning permission 2016/2386/P dated 19/07/2016 (for the conversion from 3x self-contained flats to 2 flats(1x2beds and 1x5beds); replacement 2-storey rear extension at basement and ground floor levels; fenestration alterations installation of rooflights and new timber sash windows), namely for alterations to the fenestration at lower ground level on the rear and side elevation. – **Granted 02/02/2018.**

Relevant planning history at other similar sites:

**2019/0969/P** - 1 Lyndhurst Road - Creation of off-street parking space and crossover with associated

alterations to the front boundary wall. – Refused 17/04/2019; Appeal dismissed APP/X5210/W/19/3229977.

RfR: 1. *The proposal would result in the loss of front garden space and part of the front boundary wall, which contributes to the character and appearance of the conservation area, and as such, would be harmful to the character and appearance of the streetscene and the wider Fitzjohn's Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and Policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan 2018.*

2. *The creation of an on-site parking space would promote the use of private motor vehicles, fail to encourage the use of sustainable modes of transport and result in the loss of on-street parking in the surrounding area, 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.*

#### 38 Arkwright Road

**2011/0537/P** - Amendments to include a new metal pedestrian gate, installation of double glazing to front sash windows and side casements, construction of garden brick wall with arched opening and lowering the lawn in back garden by 500 mm pursuant to planning permission (ref. 2009/5809/P) for additions and alterations including the erection of a single storey rear conservatory, lower ground floor side infill extension in lightwell, creation of new access gate and associated off - street parking, and new garden wall to single family dwellinghouse (class C3). Refused 14/03/2011

#### 42 Arkwright Road

**2010/3409/C** - Retrospective application for demolition of front boundary wall. Refused

**2010/1525/P** – Erection of front boundary wall and gates (following demolition of the existing front garden wall), re-landscaping of front garden to form two parking spaces (accessible via new crossover) and relocating external staircase to front entrance to form new external staircase with cycle storage below to existing single family dwelling. Withdrawn 07/06/2010

**2003/2987/P** – Part removal of a front boundary wall and excavations in the front garden in connection with the creation of under garden garage for parking of one car. Refused 10/03/2004 and appeal dismissed APP/X5210/A/04/1152564.

RfR:

1. The proposed removal of a complete section of boundary wall and established planting and its replacement with a garage door with brick panels, by reason of its overall appearance and detailed design, would have a detrimental effect upon the setting of the house and the wider streetscape, and would neither preserve nor enhance the character and appearance of the Conservation Area.

2. The proposed garage, by reason of the door's location and method of opening, would form an obstruction on the public highway to the detriment of pedestrian safety. This would be contrary to policy TR21 of the London Borough of Camden Unitary Development Plan 2000.

The inspectorate dismissed the appeal and considered the front garden an attractive element in the character and appearance of the conservation area with particular reference to the boundary walls and vegetation.

*- The proposed garage which its door would form the front boundary treatment would be opened on a regular basis. In such instance there would be an unsightly and incongruous void space in the street scene which would cause visual harm to the conservation area.*

*- The loss of planting in the absence of new planting with comparable effect would have an adverse affect on the street scene.*

#### 44 Arkwright Road

**2009/5490/P** – Reconfiguration of front garden including relocation of external steps leading to the front entrance, erection of retaining walls with railings above to create two parking spaces and refuse storage space on site and alterations to front boundary treatment including erection of wall, vehicle and pedestrian gates following demolition of double garage. Granted 15/02/2010

## Relevant Policies

### The National Planning Policy Framework (NPPF) 2021

#### London Plan 2021

Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T6 Car Parking

#### Camden Local Plan 2017

Policy A1 Managing the impact of development  
Policy D1 Design  
Policy D2 Heritage  
Policy T1 Prioritising walking, cycling and public transport  
Policy T2 Parking and car free development  
Policy CC2 Adapting to climate change

#### Redington Frogna! Neighbourhood Plan

Policy SD1 Refurbishment of existing building stock  
Policy SD2 Redington Frogna! Conservation Area  
Policy SD3 Electric Vehicle Charging Points  
Policy SD4 Redington Frogna! Character  
Policy SD6 Retention of architectural details in existing buildings  
Policy BGI1 Gardens and Ecology

#### Camden Planning Guidance

CPG Design  
CPG Transport  
CPG Home Improvements  
CPG Biodiversity

#### Redington Frogna! Conservation Area Appraisal 2004

## Assessment

### 1. Proposal

- 1.1 Planning permission is sought for the removal of front boundary wall, planter and hardstanding to create vehicular access and onsite parking with vehicular crossover.
- 1.2 The proposed driveway would measure approximately 22sqm, 3.3m wide and 7.2m length. The proposed plans show the area of driveway without the hatch representing soft landscaping and therefore is understood that this would become hardstanding. The proposal would therefore result in a reduction of soft landscaping in the front garden by 66% from what was granted consent as part of the 2016 permission, as explained below (in section 2).
- 1.3 A section of approximately 2.5m of boundary wall was not built as per the plans approved under application ref 2016/4823/P, as explained below (in section 2).
- 1.4 The proposed vehicular crossover (dropped kerb) would measure 4.10m wide to allow access to the new off-street car parking space.

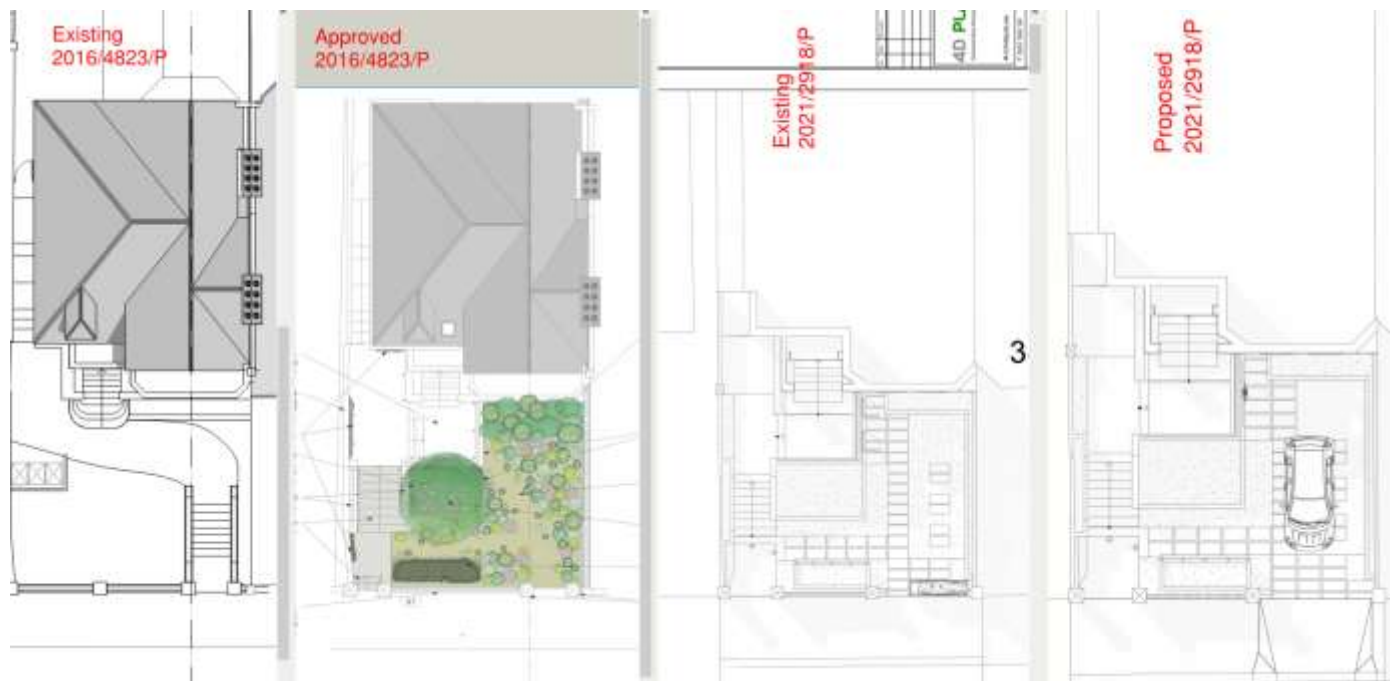
### 2. Background

- 2.1 Planning permission was granted under application ref 2016/4823/P for alterations to the front

garden. As part of this submission, a boundary wall with a length of approximately 6.5m had been secured, with a small gap at the eastern end, adjacent to property no. 38 Arkwright Road. The current submission shows a boundary wall with a length of approximately 4m which is, 2.5m shorter than the one previously approved. This appears to have been done with a view to securing an anticipated car parking space.

2.2 Under the 2016 application, the front garden was approved to include a rich soft landscape environment with areas of gravel to define pathways. (approved drawings (Ref: 1608-L-170\_Rev-D) – proposed front elevations, and (1608-L-172\_Rev-G)-under application ref: 2016/4823/P)

2.3 The current submission shows as existing a different scheme was implemented with an increase in hardstanding areas by 5sqm. (approved plans show soft landscaping areas of 33sqm; existing plans submitted with the current application shows 28sqm of soft landscaping).



### 3. Considerations

3.1 The main issues for considerations are:

- Transport;
- Design, heritage and biodiversity;
- Impact on the neighbouring amenity

### 4. Transport

4.1 Under policy T1, the Council's aims and objectives are to promote the delivery of sustainable transport choices and reduce the environmental impact of travel and relieve pressure on the borough's transport network. This places walking, cycling, public transport as the main priorities. In order to encourage walking, the Council will seek to ensure that developments improve the pedestrian environment.

4.2 Policy T2 states that in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling, the Council will limit the availability of parking within the Borough. Specifically, this policy states that in order to achieve this, the Council will limit on-site parking to spaces designated for disabled people where necessary, and/or essential operational or servicing needs. The policy also states that development of

boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted.

- 4.3 The site is located within an area CA-H of controlled parking zone (CPZ). The CPZ operates on Monday to Saturday 9:00-19:00. Parking bays are located on Arkwright Road directly opposite the application site. Planning permission to convert the building into three flats was granted on 19/07/2016, application ref no 2016/2386/P, under the previous development plan policies (Camden's Local Development Framework 2010) with no limitation on the parking permits. As such, it is likely that the occupiers already benefit from a parking permit.
- 4.4 The site is located at three minutes walking distance to Finchly Road and Frognaal overground station and similar distance to bus stops for no. 13, 113, N113. As such, the site has a PTAL rating of 6a, which means it is highly accessible by public transport.
- 4.5 The applicant has included precedents of driveways and dropped kerbs along the street; however, these have been undertaken either without planning permission or have been granted approval prior to the adoption of Camden's Local Plan 2017, which aims to promote sustainable modes of transport and reduce car ownership.
- 4.6 The creation of off-street parking would be contrary to Policy T1 which seeks to prioritise sustainable modes of transport such as walking and cycling. The proposal would represent an increase to the existing level of parking on-site therefore encouraging and promoting the use of private motor cars instead of sustainable modes of transport, and create a greater reliance on car use.
- 4.7 As a result of the proposed onsite car parking a new vehicular crossover on Arkwright Road would be required in order for cars to gain access into the site. This would have a detrimental effect to pedestrian permeability on the footway adjacent to the site and the proposed alterations would result in an undulating footway and pedestrian discomfort. Furthermore, the existing brick walls would obstruct visibility splays at the proposed drive way. Given that Arkwright Road is a busy road, the proposal would introduce an unnecessary hazard to road users, which would be contrary to policy A1.
- 4.8 The proposal includes an electric charger on site, which would benefit an electric car. Policy SD3 of Redington Frognaal Neighbourhood Plan states that the provision of charging points for electric vehicles for proposed and existing parking places is encouraged. A similar proposal has been refused at 1 Lyndhyrst Road, and an appeal dismissed by the Inspector (see planning history above) who stated that *'even if it were possible to limit the use of the space to a cleaner technology vehicle, this would still lie outside the policy aim to reduce car ownership and would not address concerns in relation to traffic congestion. It would not, therefore, prioritise sustainable modes of transport.'* As such, the proposal would fail to prioritise sustainable travel modes and cause harmful affects on the Council's sustainable transport objectives.
- 4.9 In order to allow car access on site, the proposal includes removal of the boundary wall which has been already unlawfully implemented, given that it has not been built in accordance with the approved plans. Based on the information submitted as part of application ref no. 2016/4823/P, granted on 10/01/2017, for alterations to the front garden, the current submission shows an existing boundary wall reduced by 2.5m than what was approved. The proposal would therefore be contrary to policy T2 which resists development of boundary treatments and gardens to provide vehicle cross overs and on-site parking.

## **5. Design, Heritage and Biodiversity**

- 5.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 paragraph 7.2 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.
- 5.2 Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' it's established character and

appearance, and will preserve garden spaces which contribute to the character and appearance of a conservation area. Commentary in paragraph 10.21 in policy T2 (parking and car-free development) of Camden's Local Plan 2017 states "Parking can cause damage to the environment. Trees, hedgerows, boundary walls and fences are often the traditional form of enclosure on Camden's streets, particularly in conservation areas, contributing greatly to their character, as recognised in Camden's Conservation Area Appraisals and Management Strategies. This form can be broken if garden features are replaced by areas of paving or hard standing".

- 5.3 Redington Frogal Neighbourhood Plan, highlights that the significance of the area relies on its green character. Policies SD1 and SD2 of Redington Frogal Neighbourhood Plan stress that features that contribute to the special character of green garden suburb, such as front boundary walls and hedges should be preserved or reinstated. Policy SD4 highlights that garden space should be provided to reinforce the established pattern of front and rear garden spaces around the site and the area of soft natural garden space within the site should be maintained or increased. Policy BG11 requires that development should maximise the area of soft landscaping, minimising hard surface areas to those necessary to the functioning of the site, retaining hedges and walls.
- 5.4 The Redington Frogal Conservation Area Appraisal and management strategy identifies that the front gardens and boundaries are integral to the character of the area and any alterations risk harming the general street scene character. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under **s.72** of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 5.5 Arkwright Road has an established character of grand semi-detached houses with low brick boundary walls and landscaped front gardens, which have a great contribution to the feel and character of the street. At some of the properties along the street, this character has been previously eroded by the expansion of hardstanding to accommodate car parking on driveways, removal of boundary brick walls and soft landscaping. There is a continuous pressure on front gardens to be converted into driveways and the proposal would further erode the established character of green garden suburb as highlighted as significant by the Neighbourhood Plan and Conservation Area Appraisal, and reduce the biodiversity qualities of the sites.
- 5.6 The alterations to the front garden and boundary wall at the application site have not been implemented in line with planning permission 2016/4823/P (dated 10/01/2017), as the current existing drawings show that the front boundary wall has been reduced in length to allow a wider opening for car parking, the area of hardstanding has been increased and the soft landscaping area has been reduced. The proposed drawings show that the area where the car would be located would be different than the one of soft landscaping; however, CGI images show the car siting over areas of soft landscaping. Regardless of the inconsistency between the information submitted, it is unlikely that soft landscaping would still be able to grow and flourish under an area where the car is located.
- 5.7 The proposal would significantly reduce the areas of soft landscaping, by 66% compared to what was granted under the 2017- permission, which would reduce the biodiversity of the site and its capacity to capture water runoff. The cumulative impact of the reduction of brick boundary wall and reduction in soft landscaping, would result in less than substantial harm to the character of the streetscene and wider conservation area. Paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposals would be to the sole benefit of the occupier of the property, and are not considered to provide any public benefits. As such, the proposals would be contrary to policies D1 and D2 of the Camden Local Plan and policies SD1, SD2, SD4, BG11 of Redington Frogal Neighbourhood Plan 2021, and it is recommended that planning permission

is refused on this basis.

## **6. Impact on Neighbouring Amenity**

- 6.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered.
- 6.2 Due to the nature and location of the proposed development, it is considered that no significant harm would be caused to the neighbouring amenity by way of loss of outlook, daylight, or privacy.
- 6.3 Policy A1 states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 details that highway safety, with a focus on vulnerable road users should also be considered, including provision of adequate sightlines for vehicles leaving the site. Development should also address the needs of vulnerable or disabled road users.
- 6.4 As such, due to the location of the proposed driveway, the existing brick walls would obstruct visibility splays at the proposed drive way. Given that Arkwright Road is a busy road, the proposal would introduce an unnecessary hazard to road users, which would be contrary to policy A1.

### **Recommendation: Refuse Planning Permission**

1. The proposal would result in the loss of front garden space and part of the front boundary wall, which contributes to the character and appearance of the conservation area, and as such, would be harmful to the character and appearance of the streetscene and the wider Redington & Frognal Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies SD1 (Refurbishment of existing building stock), SD2 (Redington Frognal Conservation Area), SD4 (Redington Frognal Character), BG11 (Gardens and Ecology) of Redington Frognal Neighbourhood Plan 2021.
2. The creation of an on-site parking space would promote the use of private motor vehicles, fail to encourage the use of sustainable modes of transport and result in the loss of on-street parking in the surrounding area, 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.