

Delegated Report		Analysis sheet		Expiry Date: 08/09/2022	
		N/A		Consultation Expiry Date: 15/08/2022	
Officer			Application Number(s)		
Ewan Campbell			2022/1965/P		
Application Address			Drawing Numbers		
29 Maresfield Gardens London Camden NW3 5SD			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Retrospective partial demolition and alterations to front boundary wall and landscaping to facilitate the creation of on-site parking spaces. Installation of 2x bin stores in front garden					
Recommendation(s):		Refuse Planning Permission and Warning of Enforcement Action			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
	No. of responses	00	No. of objections	00	
Neighbour Consultation	<p>A site notice was put up on 22/07/2022 expired on the 15/08/2022 and an advert was placed in the local press on 21/07/2022 and expired on 14/08/2022</p> <p>No objections or comments have been received from neighbours during the public consultation.</p>				
Belsize Society	<p>Belsize Society have objected on the following grounds:</p> <ul style="list-style-type: none"> - Contrary to the Conservation Area statement - Should be rebuilt as existing 				
The Heath and Hampstead Society	<p>The Heath and Hampstead Society have objected on the following grounds:</p> <ul style="list-style-type: none"> - Contrary to policies and CA statement - Suggestion the improvement /maintenance mitigates impact wrong - Should be rebuilt as existing 				

**Netherhall
Neighbourhood
Association**

Netherhall Neighbourhood Association have objected on the following grounds:

- Boundary wall is strong precedent
- Precedents mentioned are not strong enough
- All five date back to when the CA did not exist
- 9 Maresfield Gardens also subject to enforcement issues
- Loss of green space and soft landscaping
- Materials are inappropriate to the area
- Increased parking
- New crossover
- Application form inaccuracies

Officer Comment: Considering all the comments by the Belsize Society, the Heath and Hampstead Society and the Netherhall Neighbourhood Association These are discussed in section 3.

Site Description

The application site is a semi-detached two storey property with basement and live in roof on the eastern side of Maresfield Gardens. The property was built with a red terracotta brick, slate tiled roof and timber framed white painted timber windows on its front and rear. It also benefits from two dormers on the lower thirds of its front roof slope.

The building lies within the Fitzjohn Netherall conservation area and is recognised as making a positive. The conservation area sits to the southern slopes of Hampstead between Rosslyn Hill and Finchley Road. The street layout is dominated by Fitzjohns Avenue running through the centre and the parallel streets to the east and west of it. Overall the urban grain shows large houses with generous gardens surrounded by the denser areas of Hampstead Village and Finchley Road.

The conservation area contains broadly similar building types with a mixture of architectural styles – neo-gothic, classical Italianate, Queen Anne, Jacobean, Domestic Revival and Arts and Crafts. The range of details includes: fine rubbed brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor style chimney stacks, extensive tiling and tile hanging.

Maresfield Gardens is in sub-area one of the conservation area and is an L shaped street running west from Fitzjohns Avenue to Netherall Gardens. There are few street trees and the character is formed by the contribution of the trees and vegetation in private gardens. Front boundary treatments vary along the street, however many are constructed from brick with panels of over-burnt brick and stone copings. The underlying consistency is that of front gardens behind a physical boundary that sensitively relates to the architecture behind. The conservation area notes that where this has been lost, the character of the street and conservation area has been harmed.

Relevant History

Application site

2020/1417/P - Erection of 2 dormer windows with balconies and rooflight to rear roof slope, and alterations to existing rear dormer including revised glazing detail and replacement of hipped roof with flat roof. (Granted 29/09/2020)

2020/1418/P Erection of single storey lower ground rear extension with external roof terrace above together with new external patio with new stepped access to rear garden, external alterations to property including replacement of ground floor rear window with French door (Granted 29/09/2020)

2022/1966/P Relocation of existing entrance door to upper floor flats (Retrospective) (Application under consideration)

2022/1967/P Erection of single storey outbuilding with green roof in rear garden. (Retrospective) (application under consideration)

Enforcements

EN22/0232 - Front garden is completely tarmacked for parking and in advance of preparing for a cross-over which I understood were not permitted under current planning rules.

EN22/0653 - New side door between Nos. 29 and 31 is not in accordance with granted Planning Permission reference 2022/1965/P.

Neighbouring properties

4 Maresfield Gardens

2013/8038/P - Alterations to front garden to create 1 x off street parking space. - Refused 18/06/2014

Reasons for refusal:

- 1) The proposed development to create a new means of vehicular access and the associated works to the boundary wall and front garden, would harm the setting of the building, the character of the street, and the character and appearance of the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 2) The proposed development to create a new means of vehicular access would result in the loss of an on-street car parking space in the Controlled Parking Zone and the applicant has failed to provide evidence that levels of existing on-street parking provision would not be adversely affected, contrary to policy CS11(Promoting Sustainable and Efficient Travel) of the London Borough of Camden Local Development Framework Core Strategy and DP19 (Parking standards and limiting the availability of car parking) of the Local Development Framework 2010 Development Policies.

Flat 1, 45 Maresfield Gardens

2016/2827/P - Installation of boundary treatment including means of access and hardstanding (Retrospective) -**Refused 19/06/2016. Appeal dismissed 17/2/17**

Reasons for refusal:

- 1) The proposed gates and gate piers on the front boundary form an arrangement which is considered to be detrimental to highway safety by virtue of inadequate sightlines for vehicles leaving the site, contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), and the London Borough of Camden Local Development Framework Development 2010 Policy DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network).
- 2) The proposed gates and gate piers on the front boundary form an arrangement which when in use results in the loss of part of an on-street residential parking bay, contributing unacceptably to parking stress in the surrounding area, contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), and the London Borough of Camden Local Development Framework Development 2010 Policy DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network).

9 Maresfield Gardens - 2022/1897/P - Variation of condition 3 (Approved plans) of planning

permission 2016/4136/P dated 11/07/2017 (as varied by 2017/5634/P dated 29/05/2018) (for Excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases), namely alterations to the front and side boundary wall, landscaping alterations and installation of 5x electric charging points and electric storage unit on front boundary (retrospective). **Pending determination, recommended for refusal**

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car free development

Camden Planning Guidance (CPG)

CPG Home Improvements (January 2021)

CPG Biodiversity (March 2018)

CPG Amenity (January 2021)

CPG Transport (January 2021)

Fitzjohns/Netherhall Conservation Area Statement (2001)

Assessment

1. PROPOSAL

1.1. The development is largely retrospective and includes:

- Removal of part of the front boundary and dwarf walls, soft landscaping to create two car parking spaces
- The new driveway is finished in resin and contains small planter beds
- Installation of 2x bin enclosures within the front garden



Image 1: Development as built

1.2 It is noted that the retrospective works have not altered the existing kerb and that to access the new driveway, cars would need to drive through an on-street car parking bay and mount the existing pavement. This application does not include a proposed dropped kerb, although it is clear that this would be the applicant's future intention to access the off-street parking spaces.

2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- Design and Heritage
- Amenity
- Transport

3. ASSESSMENT

Design and Heritage

3.1.1. The site is located in the Fitzjohn's/Netherhall Conservation Area which contains a mixture of architectural styles including neo-gothic, classical Italianate and Queen Anne amongst others. The area also contains numerous gradients and long views along avenues create an imposing district. The contribution of the streetscape is also significant with large trees, vegetation and large private gardens.

3.1.2. The Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

3.1.3. Maresfield Gardens is in sub-area one of the conservation area and is an L shaped street running west from Fitzjohns Avenue to Netherall Gardens. There are few street trees and therefore the character is formed by the contribution of the soft landscaping in private gardens. Front boundary treatments vary along the street, however many are constructed from brick with panels of over-burnt brick and stone copings. The underlying consistency is that of front gardens behind a low physical boundary that sensitively relates to the architecture behind. The conservation area notes that where this has been lost, the character of the street and conservation area has been harmed.

3.1.4. With regard to Maresfield Gardens, the Fitzjohns/Netherhall Conservation Area Statement (CAS) notes that each of the properties that have lost their front gardens and boundary treatment are negative features of the Conservation Area.

3.1.5. The regard to Front Boundaries and Landscaping, the CAS states:

"Alterations to the front boundaries between the pavement and properties can dramatically affect and harm the character of the Conservation Area... Although large the majority of properties were not provided with vehicular access to the front garden and the continuous walls, many with hedges form the character of the streetscape... A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted."

3.1.6. The retrospective demolition and erection of a replacement front boundary with increased hard landscaping (and loss of soft landscaping) to facilitate the creation of off-street parking spaces are considered detrimental to the character and appearance of both the host property and the Fitzjohns/Netherhall Conservation Area. The conservation statement also brings attention to several examples where this development has already occurred on the same street highlighting them as 'negative features' (see screenshot below).

Maresfield Gardens: 43 - loss of original windows, excessive hard paving
15A - loss of front garden and traditional boundary, excessive hard paving and car parking.
19 - loss of front boundary and garden.
39 - loss of front garden and traditional boundary; excessive hard paving and car parking.
45 - loss of boundary, unsympathetic stone panel in front boundary wall.

3.1.7. In addition to the above there has also been multiple refusals on the street for similar proposals (see 'Neighbouring Properties' in the Planning History section)

3.1.8. The pre-existing boundary wall was an historic boundary wall constructed from brick and burnt brick with a stone coping. This type of wall is noted in the conservation area appraisal as being a distinctive and important feature of Maresfield Gardens and the conservation area. In addition so is the loss of soft landscaping. The CAS also recognises that due to the lack of street trees, the trees and vegetation in private gardens contributes to the character of the area. Therefore the partial loss of the front boundary and soft landscaping is considered harmful.

- 3.1.9. Appendix 1 shows photos of the area which demonstrate this strong characteristic on the street and how front gardens, walls and soft landscaping positively contributes to the character of the Conservation area. Image 2 below is the pre-existing arrangement to the front of the site.



Image 2: Pre-existing front boundary and landscaping

- 3.1.10. This pre-existing photo demonstrates how the soft landscaping and vegetation to the front, as described within the CAS, positively contributes to the character of the area and how this site is a good example of this. In comparison with image 1 and the current as built arrangement, this represents a significant loss of these features important to the character and is poor quality. Overall the comparison demonstrates the proposal does not enhance or preserve the character of the conservation area.

- 3.1.11. This assessment is reiterated in the Guidelines F/N31 Front Garden and Boundaries which states:

Front boundaries within the Conservation Area are predominantly formed of walls, many with hedges, with a variety of original features. Alteration to the front boundaries between the pavement and houses can dramatically affect and harm the character of the Conservation Area as the walls alongside the road and within the properties add to the attractive appearance of the front gardens and architectural setting of the 19th century buildings. Proposals should respect the original style of boundary and these should be retained and reinstated where they have been lost. Particular care should be taken to conserve the green character of the Conservation Area by keeping hedges. The loss of front boundary walls where it has occurred detracts from the appearance of the front garden by reducing the area for soft landscaping in this urban residential area. Furthermore, the loss of front boundary walls facilitates the parking of vehicles in part of the property, which would adversely affect the setting of the building and the general street scene. The Council will resist any further loss of front boundary walls and conversion of front gardens into hardstanding parking areas.

- 3.1.12. It is clear that the proposal is in clear contravention of these guidelines and characteristics of the Conservation area. The justification for this development appears to be that they have retained a small part of the original wall however this retention is a small element of the overall scheme significant undermined by the rest of the development is directly against the guidelines and character of the area. This means this is not an equal compromise to allow this harmful development and therefore is not appropriate for approval. The Council's Conservation Team object to the development.

- 3.1.13. In relation to the bin stores, these are low in height and timber meaning that they are relatively subservient structures. The houses are of considerable scale and normally split into several flats mean there are several bins outside the front of each property. These enclosures disguise them in a sympathetic and modest way and are therefore considered acceptable.
- 3.1.14. The retrospective demolition and alterations to the front boundary and loss of soft landscaping are considered unacceptable in terms of the heritage impacts and would harm the character and appearance of the host building, streetscene and conservation area. It would cause 'less than substantial' harm to the Fitzjohns/Netherhall Conservation Area and its positively contributing host building. In accordance with paragraph 202 of the NPPF, where a development proposal 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 including, where appropriate, securing its optimum viable use. There are no substantial public benefits from the proposal and therefore refusal is recommended on this basis.
- 3.1.15. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Amenity

- 3.1.16. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity. While the retrospective development is not considered to cause harm to neighbouring properties in terms of privacy, outlook or light it would cause harm in terms of its impact on transport which is discussed below and in the transport section.
- 3.1.17. Policy A1 of the adopted Local Plan states that:
- 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:*
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network;*
- 3.1.18. Paragraph 6.9 of the accompanying text states that:
- Any development or works affecting the highway will also be expected to ... avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones.*
- 3.1.19. It is clear this proposal would be in contravention of this part of policy A1 as the works would be affecting the highway and create a shortfall of on street parking. Whilst the proposal does not impact neighbours in terms of privacy outlook or daylight, the proposed crossover is contrary to the Council's adopted policy.
- 3.1.20. Therefore fails to proposal complies with policy A1 of the 2017 Camden Local Plan and the Amenity CPG.

Transport

3.1.21. Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measure are in place to ensure the Council meets their zero carbon targets.

3.1.22. Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done through not issuing par permits, resisting development of boundary treatments and using legal agreements to secure these actions.

3.1.23. The accompany text of policy T2 in paragraph 10.21 states that:

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. Development of boundary treatments and gardens to provide on-site private parking often requires the loss of much needed public on-street parking bays to create vehicle crossovers. Areas of paving can also increase the volume and speed of water run-off. This adds to the pressure upon the drainage system and increases the risk of flooding from surface water. Developments seeking to replace garden areas and/or boundary treatments for the purposes of providing on-site parking will therefore be resisted.

3.1.24. CPG Transport states that 'The Council will resist development that negatively impacts on existing on-street parking conditions and will not approve applications for planning permission (or for highways consent) that would cause or exacerbate unacceptable parking pressure or add to existing parking, waiting and loading problems.

3.1.25. Paragraph 7.5 goes on to state that:

Applicants should note that vehicular crossovers will not be acceptable:

Where the installation of a crossover would result in the loss of on-street parking provision;

Where the alterations to the boundary treatment would have a visually detrimental impact on the street; or

Where there is a detrimental impact on amenity, such as felling of valuable trees.

3.1.26. Whilst works have already been undertaken to create off-street car parking spaces , these do not include a dropped kerb. This means that whilst a vehicle crossover has been implemented the kerb is still at the normal height and therefore cars will have to come up over the kerb. It is noted that bumping over the kerb in this way will lead to damage to both the kerb and the footway paving. It is also illegal to cross a footway without a formal crossover in place.

3.1.27. In terms of transport impacts the retrospective development creates two off street car parking spaces within the front garden which is facilitated by the demolition of the front boundary wall. To access these new spaces, the existing on-street parking bay would need to be removed in the future and a crossover installed which would require planning

permission and a highways consent for a dropped curb.

3.1.28. The Council's Highways Team have confirmed that any application for a crossover in the future would not be supported as it would result in the loss of an on-street car parking space which would be detrimental to local parking conditions. The Council's parking records indicate that, for the 94 Resident permit holder spaces present on Maresfield Gardens, there are currently 110 Resident permit holders. This is equivalent to a parking stress ratio of 117%, which is amongst the highest in the Borough. This indicates that the street has extremely high levels of parking stress. The loss of any on-street parking on this street will therefore be strongly resisted.

3.1.29. It is clear that this proposal clearly contravenes this policy and the removal of boundary treatments and consequential loss of on-street parking and increase in existing parking stress is not acceptable in relation to this policy. This would, in turn, lead to the promotion of car use and would encourage unsustainable modes of transport as well as creating additional parking stress in an area recognised as already being under pressure. This is affirmed within chapter 7 of the Council's Transport CPG which states that:

The Council will not approve applications that would cause unacceptable parking pressure, add to existing parking problems or result in negative impacts on amenity.

3.1.30. In relation to both the guidance and policies related to this proposal, it has failed to consider these issues and therefore there is a principle objection to this kind of development on this site. In relation to transport considerations the proposal fails to comply with the Transport CPG and policies A1, T1 and T2 of the Local Plan.

4. RECOMMENDATION

4.1. Refuse Planning Permission and warning of enforcement actions for the following reasons:

- 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 hard landscaping, 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 Fitzjohns/Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Local Borough of Camden Local Plan 2017.
- The development, by reason of the creation of off-street car parking, promotion of car use and loss of on-street parking, would encourage the use of unsustainable modes of transport and increase parking stress which would 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 Camden Local Plan 2017

Appendix 1: Images of characteristic front boundaries along Maresfield Road

1. 7, 9-10 Maresfield Gardens



2. 21 Maresfield Gardens



