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| Delegated Report | | Analysis sheet | Expiry Date: | 28/06/2022 |
| | | N/A / attached | Consultation Expiry Date: | 27/06/2022 |
| Officer | | | Application Number(s) | |
| Sofie Fieldsend | | | 2022/1897/P | |
| Application Address | | | Drawing Numbers | |
| 9 Maresfield Gardens London NW3 5SJ | | | See decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| 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). | | | | |
| Recommendation: | | Refuse planning permission and warning of enforcement action | | |
| Application Type: | | Full Planning Permission | | |

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|---|---|--|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | | | No. of responses | 02 | No. of objections | 02 |
| Summary of consultation responses: | <p>A site notice was displayed on the 01/06/2022 and the consultation period expired on the 25/06/2022. A press notice was advertised on 02/06/2022 and expired on 26/06/2022.</p> <p>Two objections from local residents were received during public consultation. They can be summarised as follows:</p> <ul style="list-style-type: none"> - object to the planning application for the same reasons raised by the HCAAC & NNA - Its retrospective - no space for 5 cars, will ruin the aesthetics of Maresfield Gardens and will be a complete eye sore. | | | | | |

Community
groups/CAAC

Hampstead CAAC objected on the following grounds:

1. Previous Applications; There has been several applications ; (2016/4136/p varied by 2017/5634/p) ,on this property and the applications have had ample time to release the conditional approvals. Previous approvals do not indicate any alterations to the existing front garden and its boundary. We note that there has been no indication of front garden parking. Now after the planning approvals the new application is including 5 electric charging points which may create a 5 car parking spacings in this front garden. This is against car free policies of Camden Borough and the adopted Neighbourhood Forum plan and policies, and will harm and damage the Conservation area and its public realm.
2. Retrospective Application; Hcaac requests that all retrospective applications that harm the CA to be refused to discourage avoidance of Planning guidance and policies in the Borough.
3. Front Boundary walls; The front boundary walls particularly those proposed for demolition must be discouraged. Any proposed replacements to enhance the CA by incorporating soft porous landscaping and enhanced greening features such as front boundary hedges and tree planting if granted .

The Netherhall Neighbourhood Association (NNA) objected on the following grounds:

Support the objection made by HCAAC on 8 June and agree entirely with their three grounds of submissions.

We would like to make three additional comments:

- The applicant's reasons for requesting variation are risible - in particular, the argument that providing 5 charging points is 'very beneficial to not overload the community resources' (i.e. the current low number of public chargers in the area).
- The changes made to the front garden and boundary walls are exactly the kind of development that the proposed Article 4 direction, shortly to be consulted on, is intended to eliminate.
- The changes create a danger to the public, particularly school children, walking past the front garden because of cars crossing.

The Belsize Society objected on the following grounds:

- It seems to be seeking consent for five carparking spaces using the notion that installing electric car chargers will make this acceptable.
- The boundary wall changes that have been made are unacceptable, the two single vehicle cross overs have changed to two double cross overs with two cars being required to drive over the pavement to enter and leave the property.
- This situation breaches a number of Camden policies.

Site Description

The site is a three storey detached building located on the west side of Maresfield Gardens. The building has been subdivided into 11 flats (Class C3).

The site is not listed but is located within the Fitzjohns Netherhall Conservation Area and it is recognised as making a positive contribution.

Maresfield Gardens is characterised by low brick front boundary walls with minimal openings where they exist. Open front gardens are uncharacteristic in this street.

Relevant History

Application site

2021/0159/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 to remove 4 windows on the south side elevation and increase the height of 1 window in the same elevation (retrospective). **Pending S106 being signed**

2019/6391/T - FRONT GARDEN: 1 x Sycamore (T2) - Fell to ground level. – **No objection 31/1/2020**

2017/5634/P - Variation of Condition 3 (approved plans) of planning permission 2016/4136/P dated 11/07/2017 (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 to infill the gap between the two approved rear extensions at lower ground and ground floor and the addition of no.1 ground floor rear window. - **Granted 29/05/2018**

2016/4136/P - 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. - **Granted 11/07/2017**

2016/3953/T - FRONT GARDEN: 1x Sycamore - Fell and treat stump - No objection 22/8/2016

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).

28 Maresfield Gardens

2019/2860/P - Variation of Condition 3 (approved plans) of planning permission ref. 2016/5374/P (dated 10/05/2017) for Excavation of single storey basement with rear lightwell; erection of rear extension at lower ground floor level; erection of front dormer; alterations to front and rear elevations including hard and soft landscaping works, namely alterations to hard and soft landscaping to front garden (retrospective) - **Refused 31/7/19**

Reasons for refusal:

- 1) The alteration to the frontage area, by virtue of the increase in hardstanding and reduction in planting area, has caused harm to the host property, wider building group and this part of the Fitzjohns Netherhall Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan 2017.
- 2) The alteration to the frontage area, by virtue of increasing the amount of on-site car parking, is failing to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.

29 Maresfield Gardens

2022/1965/P – 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 - **Refused 23/9/22**

Reasons for refusal:

- 1) 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.

- 2) 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

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

A1 Managing the impact of development
C6 Access for All
D1 Design
D2 Heritage
T1 Prioritising walking, cycling and public transport
T2 - Parking and car-free development
T3 - Transport infrastructure
T4 – Sustainable movement of goods and materials
DM1 - Delivery and monitoring

Supplementary Guidance

CPG Design (2021)
CPG Home Improvements (2021)
CPG Amenity (2021)
CPG Transport (2021)

Fitzjohns/Netherhall Conservation Area statement (2001)

Assessment

1.0 Proposals

1.1 Planning permission is sought to retrospectively vary the original permission by:

- Removing part of the front boundary wall and planting to accommodate additional vehicle access. Increased the height of the existing front wall piers to 1.2m (increase of 0.2m)
- Installation of 5x electric charging points on front elevation of the building and electric storage unit on front boundary (measuring 2m high).
- The side boundary wall within the front garden has been increased from 0.6-0.8m to 1.8m to create an open bin storage area

1.2 After conducting a site visit and measuring the boundary walls it was discovered the plans were not accurate, following this revised plans to show the accurate height of the walls were received. Further information regarding the trees was also received to show the wall foundations.

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Design and Heritage
- Impact on neighbouring amenity
- Transport impacts
- Trees

3.0 Design and Heritage

Policy background

3.1 Policy D1 (Design) of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition, it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 (Heritage) states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Part (k) of policy D1 requires development to incorporate high quality landscape design and maximise opportunities for greening through planning of trees and soft landscaping. Similarly, policy D2 recognises the contribution that gardens, trees and landscape make to the character of conservation areas and resists development that causes the loss of garden space where this is important to the character and appearance of a conservation area.

3.2 CPG (Design) states that the Council encourages the combination of low brick boundary walls and hedges as a boundary treatment in conservation areas, where they make up the characteristic boundary treatment (this is considered to apply here). The guidance requires the design, detailing and materials used to provide a strong positive contribution to the character and distinctiveness of the area and integrate the site into the streetscene. There is a presumption in favour of retaining boundary treatments in conservation areas that are characterful or contribute positively to the character of the area (as is the case at the host property). CPG (Design) states that the Council will resist alterations to boundary treatments in conservation areas that do not preserve or enhance the existing qualities and context of the surrounding area. When boundary treatments are to be altered, the elements should be repaired or replaced to replicate the original design and detailing and comprise the same materials as the original features.

3.3 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.

3.4 Within 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.

3.5 In 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.

3.6 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.

3.7 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)

Assessment

3.8 The works outlined above are retrospective, below in image 1 and 2 the pre-existing arrangement and the granted layout are shown and no permission was given for front boundary alterations. Image 3 shows an picture of the pre-existing front boundary wall.

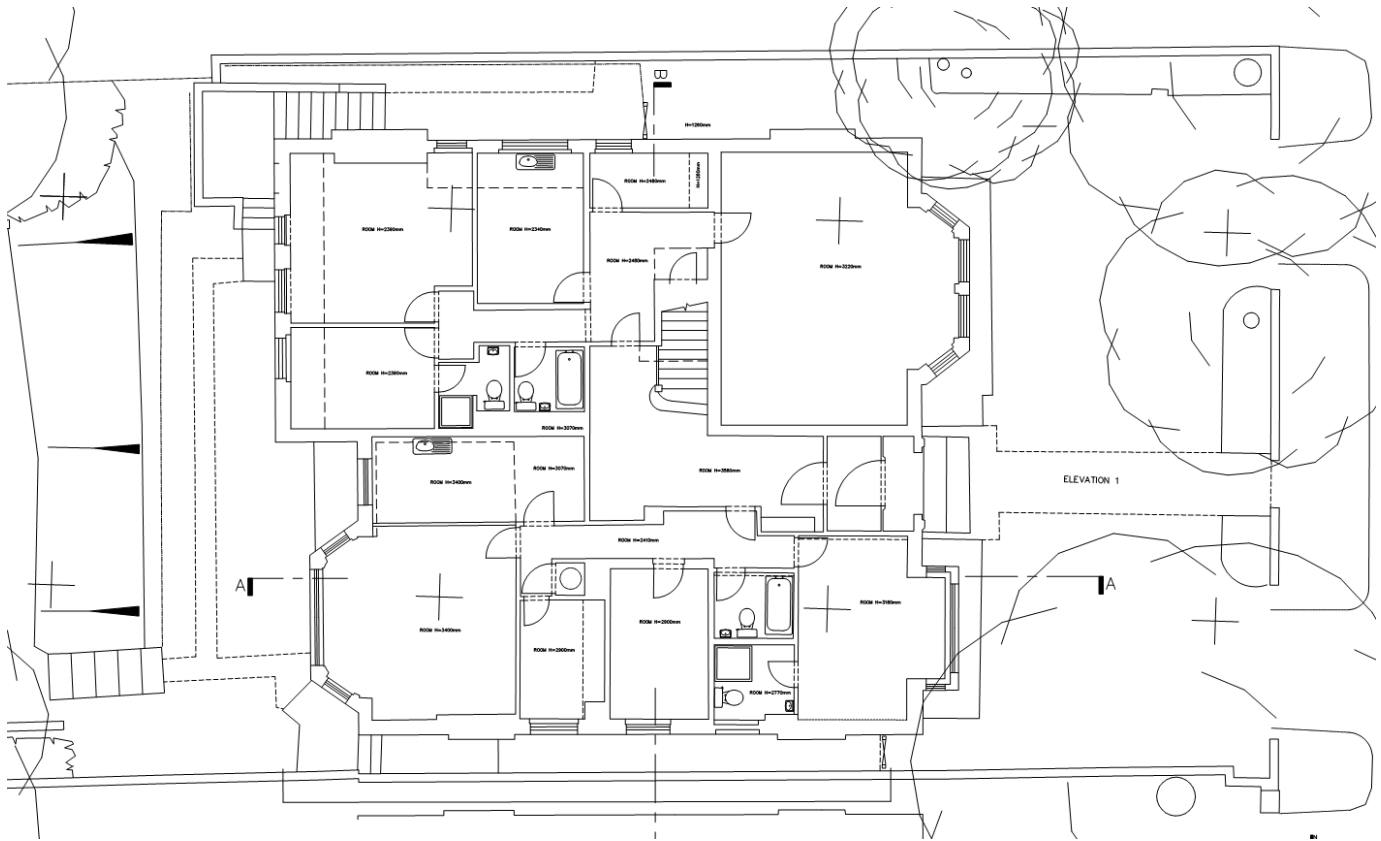


Image 1: Existing ground floor plan from ref. 2016/4136/P

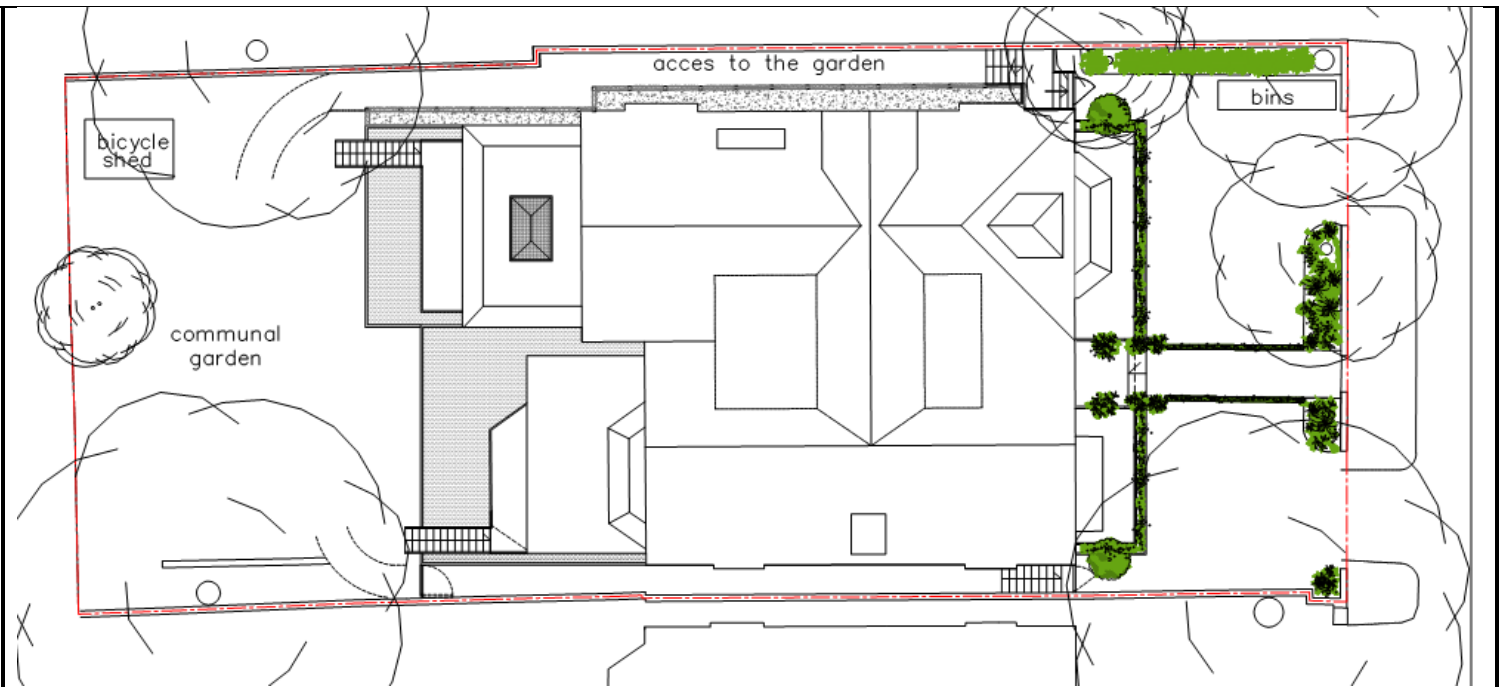


Image 2: Approved proposed site plan ref. 2016/4136/P



Image 3: Pre-existing front boundary wall



Image 4: As-built development

3.9 As identified in the conservation statement, the loss of front boundaries and soft landscaping is harmful to the character and appearance of the conservation area. The loss of the original front/side boundary treatment and widening of the existing vehicle access fails to preserve the historic boundary treatment and character and appearance of the Conservation Area. Its partial replacement with a 1.8m high wall along the boundary with Mourne House and installation of a 2m high electric storage unit on front boundary are regarded as incongruous and dominant features which are not in keeping with the historical form of boundary treatment on this road and the wider Conservation Area. The development also results in the loss of soft landscaping along the side boundary with Mourne House and the installation of a much larger bin enclosure and relocation of 10 metre boxes which are highly visible from the street.

3.10 As stated above, the proposal has resulted in the existing brick wall being partially demolished and rebuilt in an entirely different character and height. It would be the tallest front boundary within the streetscene and diminish its open character. It would appear at odds with the rest of the character which is low brick walls and detract from the character and appearance of the conservation area. This is considered to be somewhat oppressive when considered alongside the other boundaries on the street, and is particularly noticeable for pedestrians passing.

3.11 Officers requested confirmation of the surfacing materials in the front garden to which the agent refused to confirm and stated they were the same as pre-existing. If the development was acceptable the Council would condition materials to confirmed to ensure that they are permeable and to be replaced if they are found not to be.

3.12 5 EV charging points have been installed. Although encouraged in some circumstances with limited harm to the character of the building itself due to its small scale, however the inclusion of 5 should not promote the increase in on-site parking which is harmful (discussed in the transport section below).

3.13 The proposal would provide no public benefits to outweigh the less than substantial harm to the conservation area. 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 (ERR) 2013.

3.14 Government policy in respect of the historic environment is set out in the National Planning Policy Framework (NPPF). The NPPF recognises that historic assets are an irreplaceable resources that local authorities should conserve in a manner appropriate to their significance. Camden's Local Plan also places emphasis on development within conservation areas preserving, or where possible, enhancing the character or appearance of the area. It is considered there are no public benefits arising from the scheme that could be weighed against the harm that would be caused to the appearance of the street scene - and would not preserve the character and appearance of the conservation area.

3.15 Overall the development is considered that the structure would harm the character and appearance of the host property, streetscene and wider Conservation Area.

4.0 Amenity

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 Given the scale of the alterations, they are not considered to harm the amenity of neighbouring occupiers in terms of privacy, outlook and light however highways safety issues are discussed within the transport section below.

5.0 Transport impacts

5.1 According to the approved plans, the site should have two crossovers and plants along the footpath to delineate the vehicle parking spaces on both sides. With the plants along the footpath, 3 vehicles should be able to park within the driveway comfortably. The retrospective variation application indicates that 5 charging points has been installed, a section of the front boundary has been removed and a mature tree has been removed. Therefore an additional two cars have tried to be accommodated with this retrospective proposal. It should be noted that the 4 new dwellings granted by the original permission were secured as car-free units, no evidence has been provided about which flats now have access to parking within the front garden.

5.2 The site is located in the Fitzjohns Netherhall Conservation Area and in the CA-B Belsize Controlled Parking Zone (CPZ). The CPZ operates on Monday to Friday between 09:00 and 18:30 and Saturday between 09:30 and 13:30. Parking bays are located on Maresfield Gardens opposite to the property.

5.3 The summary page of Local Plan Policy T2 (Parking and car-free development) states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. It goes on to state that the Council will:

- *limit on-site parking to spaces designated for disabled people where necessary.*

- resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

5.4 Paragraph 10.21 of Local Plan Policy T2 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. 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.*

5.5 Paragraph 6.9 of Local Plan Policy A1 includes the following statement:

- *Any development or works affecting the highway will also be expected to avoid disruption to the highway network, particularly emergency vehicle routes and avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones.*

5.6 While the provision of charging points is welcomed, 5 charging points is considered to be excessive but they do not increase parking by themselves. The main transport concern is the section of wall which has been removed. The removal the front wall allows easy access for an additional vehicle to park on the driveway, there may also be a possibility of overhanging due to the limited driveway space. The creation of extra on-site parking is not deemed to be essential and contrary to policy which would form a reason for refusal. The loss of the boundary treatment and vegetation would be contrary to Policy T2.

6.0 Trees

6.1 It is noted that the two sycamore trees shown in image 4 (1 sycamore and T2) within the front garden were given permission for removal under refs 2016/3953/T and 2019/6391/T.

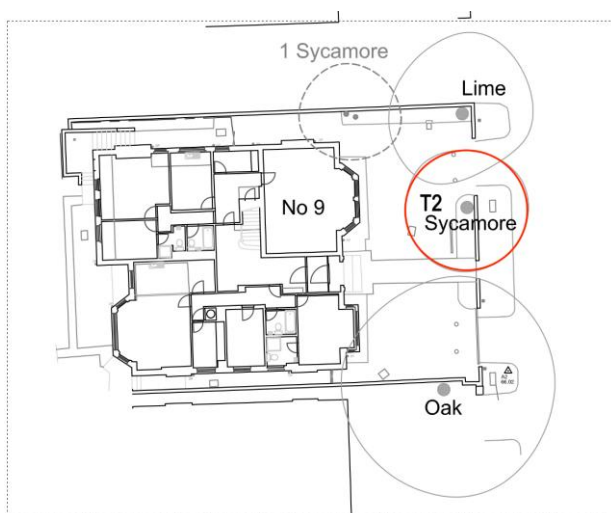


Image 4 – Tree plan.

6.2 A section drawing was provided of the boundary wall in proximity to the existing lime tree behind the front boundary wall. The Council's tree officer has assessed the details and conducted a site visit to assess the health of the tree. Given that the height of the wall was increased on top of the existing foundations it is not considered to have had a detrimental impact on the existing trees.

7.0 Conclusions

7.1 The demolition of the existing boundary treatment and as-built replacement boundary treatment including loss of soft landscaping would cause unacceptable harm to the character and appearance of the host property, streetscene and this part of the Redington and Fitzjohns/Netherhall conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

7.2 The development, by reason of creating additional on-site car parking is failing to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.

8.0 Recommendation-

8.1 Refuse retrospective planning permission and refer to enforcement team for further action.