

Appeal Decision

Site visit made on 7 December 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd January 2017

Appeal Ref: APP/V5570/D/16/3160191

10 Mercers Road, London N19 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Roberts against the decision of Islington Borough Council.
 - The application Ref P2016/0388/FUL, dated 15 January 2016, was refused by notice dated 13 July 2016.
 - The development proposed is a drive to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal would result in the provision of a parking space within the front garden of this property which lies within the Mercers Road/Tavistock Terrace Conservation Area. The Conservation Area Design Guidelines 2002 describe this as being characterised by the commercial frontages along Holloway Road and the predominantly residential side streets which include an attractive range of Victorian buildings, mostly developed during the 1850's and 1860's. The period detailing and form of the semi-detached properties in Mercers Road and the greenery associated with their small front gardens contribute positively to the character and appearance of the conservation area.
 4. A number of properties have parking spaces within their front gardens. I have no evidence that these were considered against the current policies of the development plan or that they received planning permission from the Council. I cannot therefore assume that the planning authority has been inconsistent in its approach to this proposal and I must consider it on its own merits.
 5. A number of these parking spaces have been sensitively achieved with retained garden greenery and sections of front hedging. Some properties have a hedge along the party boundary which helps to screen the parking area in longer views. The neighbouring property, 8 Mercers Road has a parking space but the combination of its front hedge; and the tree and hedging of the appeal property, ensure that the surfaced area remains discreet. In addition to the
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undeveloped garden of the appeal property, there are several others, notably numbers 2, 9, 11, 19, 21 and 23 without parking. These contribute positively to the character of the area. Importantly, they also reduce the impact of neighbouring works.

6. To the west, there are a number of examples where adjoining spaces have been created in neighbouring properties and their gardens have been given over to hard surfacing. These detract from the overall character of the conservation area. There are also examples where provision has been made more sensitively, with some planting and hedging maintained. However, even these fail to make a positive contribution, particularly when compared to the properties with no parking provision or those with a single width drive adjacent to an undeveloped garden.
7. This proposal would result in a parking area next to the neighbouring space at number 8. This would double the gap between the frontage hedges. There is limited scope for a party boundary hedge. The gap in vegetation would be a negative feature in the street scene. There is little local evidence where adjacent parking spaces have been satisfactorily achieved.
8. It is suggested that the tree on the side boundary would be retained. However, the adjacent parking area is already within its root area and although I have had regard to the measures proposed, I am not satisfied that it would not be compromised. Although not a high-quality specimen, it nevertheless contributes positively to the character and appearance of the area. I note the condition of the existing garden and its boundaries and the measures proposed with regard to the surfacing materials, the hedge to be retained, the potential for a new tree and the suggested artificial hedging. Although additional planting may be of benefit, the works overall would not make a positive contribution.
9. Overall, the proposal would not only detract from the character and appearance of this property, it would also combine with the existing neighbouring works to cause cumulative harm to the character of the area. The loss of the tree would be a significant loss to the greenery of the area but even if it could be retained, the combination of the two drives together, would be harmful to the character and appearance of the conservation area.
10. As the works would fail to preserve or enhance the character or appearance of the conservation area and as the addition of a further driveway would represent poor design in these circumstances, the works would be contrary to the design and heritage requirements of Policies 7.4(A) and 7.6 of the London Plan 2016; Policies CS8(A) and CS9(A & B) of Islington's Core Strategy 2011 (CS); and Policies DM2.1(A(iv & viii)) and DM2.3(B) of Islington's Local Plan: Development Management Policies 2013 (LP). The *National Planning Policy Framework* is clear that permission should be refused for development of poor design and as the development plan policies generally accord with its design and heritage requirements, they can be afforded considerable weight.
11. The Council's second reason for refusal identifies that the proposal would create a new off-street residential parking space and suggests that insufficient evidence and justification for this has been submitted. Neither the decision notice nor the delegated report clearly set out what harm is alleged. Reference is made to CS Policy CS10; and LP Policy DM8.5. There is no specific detail as

to which elements of these policies the development would conflict with. Policy CS10 promotes zero carbon development and sustainable building and transport options and I am unclear of its relevance to this specific proposal.

12. LP Policy DM8.5(A) seeks to resist parking within gardens but includes an exception for wheelchair accessible parking. It goes on to state that accessible parking bays should be located on-street where practical. The supporting text advises that parking within the curtilage of residential properties has negative impacts on biodiversity, flood risk, visual amenity, healthy lifestyles, air quality, traffic congestion and highway safety. Such applications will normally be refused; however, the needs of disabled people will be taken into account and exceptions may be made where appropriate.
13. Details of the personal circumstances of the long-time resident, Mr J F Roberts, have been put forward and are not disputed by the Council. The proposal is not to accommodate additional vehicles although it would appear that the two on-street spaces could be retained with the addition of the off-site provision. This is confirmed by the Council's Traffic and Parking Services officer. The Council's Spatial Planning and Transport officer defers to the Access Officer with regard to the care needs of Mr J F Roberts. The Inclusive Design officer recommends that the application be approved. I have no evidence to suggest that this proposal would undermine the Council's transport objectives.
14. The matter to be considered is whether the needs of the resident and his carers are sufficient to outweigh any impacts on the character and appearance of the conservation area. Mr J F Roberts requires a range of daily visitors to take care of his various health and wellbeing requirements. He is also required to leave the property to go to his many appointments and other social activities and therefore needs easy access to a vehicle.
15. There is a parking space immediately outside the house which if designated for dedicated use would offer some benefits although it is suggested that this space is at the limit of Mr J F Roberts' current mobility and may soon not suffice. I am advised that this would not be usable by carers because there are numerous carers on rotation and it is not always known who will be visiting and in which car. As such, all potential visitors could not be registered to park in a designated bay.
16. The on-site parking space would be more convenient for Mr J F Roberts when needing access to a vehicle. A dedicated on-street space would require a further distance to be travelled. Given the personal circumstances reported and the evidence submitted in this regard, this is a matter that provides significant weight in favour of the proposal.
17. The works would provide benefits to the full range of carers, both professional and family, as they would be able to park within the property. This would not only be more convenient, it would allow the time currently spent finding and accessing a parking space to be put to more productive use. There are spaces with a parking meter nearby in Highwood Road and I understand that some of the carers can take advantage of the residents parking spaces in the vicinity. There may however be times when the availability and convenience of parking spaces are limited and far from ideal. A range of different carers are required and these are likely to change over time and sometimes at short notice. Whilst

this is possibly a wider issue with regard to the Council's parking management arrangements, I also afford significant weight to the benefits of the proposed off-street space to the various carers, in these particular circumstances.

18. I have been provided with limited information with regard to the workings of the Council's parking policies in this regard. However, whilst the on-street provision would offer some benefits, there would remain shortcomings and in these particular circumstances, I am prepared to accept that these shortcomings would be sufficient to ensure that the proposal would not be in direct conflict with LP Policy DM8.5(A). Although I agree with the Council that paragraph 24.28 of the design guide is not directly relevant, it accepts essential adaptations needed by certain groups. As this would also represent a dimension of sustainable development, it gains support from the sustainability policies of the development plan and the *Framework*. I afford this support significant weight.

Conclusions

19. As the works would result in harm to the conservation area, I must consider whether this harm would be outweighed by the public benefits of the proposal. The harm to the conservation area would be less than substantial, as described in paragraph 134 of the *Framework*. The benefits of the parking space are directed at improving individual care but this and the support it would offer for the carers, together with the more efficient use of professional resources and the benefits of supporting Mr J F Roberts in his own home, result in significant public benefits. However, on balance, I do not find that these public benefits would not be sufficient to outweigh the harm to the conservation area. The works would therefore conflict with the heritage requirements of the *Framework*.
20. Given the particular circumstances of Mr J F Roberts and his care requirements, there are a number of matters that support this proposal and result in significant weight in its favour. I conclude however, on balance, that this weight is not sufficient to outweigh my concerns that the proposal would fail to preserve or enhance the character or appearance of the conservation area; and despite having some policy support, would conflict with specific policies and the overall objectives of the development plan and the *Framework*. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR