



Appeal Decision

Site visit made on 31 January 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/Y5420/W/19/3238737

30 Church Crescent, Hornsey London N10 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr David Powley against the decision of the Council of the London Borough of Haringey ('LBH').
 - The application Ref HGY/2019/1651, dated 10 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is described on the application form as the 'creation of a single off-street parking space to the front of the property and accessed direct from Church Crescent'.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a single off-street parking space to the front of the property at 30 Church Crescent, Hornsey, London N10 3NE, in accordance with the terms of the application Ref HGY/2019/1651, dated 10 June 2019, subject to the schedule of conditions below.

Preliminary matters

2. No 30 is an end-of-terrace property within the Muswell Hill Conservation Area. It has an intricate planning history. I understand that No 30 is currently occupied as seven flats following the amalgamation of two former units around 2012. Permission has latterly been secured for an additional basement unit, albeit that has not been implemented (the '2018 scheme').¹
3. However the proposal here does not specifically relate to the 2018 scheme. Plan 30.CC.CP 01, the sole numbered plan before me, shows only the changes proposed to the ground floor. The appellant explains how this proposal is 'independent of that [2018] permission'. I have determined the appeal on that basis. In the event that this proposal and the 2018 scheme were both implemented, any interaction between the two would be a matter for the main parties to resolve as necessary.

Main issues

4. The main issues are (i) the effect of the development proposed in respect of on-street parking in the area, and (ii) whether or not the proposed access arrangements would be safe and suitable.

¹ To which appeal Ref APP/Y5420/W/16/3160569 and planning permission Ref HGY/2018/2285 relate.

Reasons

Parking

5. The appellant's Transport Statement ('TS') refers to Lambeth Council's 2009 parking survey guidance note ('Lambeth Guidance'). The approach that sets to gauging parking 'stress', based on establishing a ratio of spaces available to observed demand, has become common practice there and elsewhere. The Lambeth Guidance sets out a logical, standardised methodology.
6. Notably it guides that a survey of provision within a 200m radius should be undertaken, parking availability measured overnight when demand is likely greatest, and indicates how lengths of bay parking provision should be subdivided to arrive at a figure for individual spaces. LBH do not challenge the use of the Lambeth Guidance, nor the evidence in the TS. However the Council's position is that parking pressure here is 'very high', which would be unacceptably exacerbated by the proposal. I disagree.
7. TS figures 3.a-c represent on-street parking nearby. Divided into 5m lengths in line with the Lambeth Guidance, that results in an inventory of 94 permit holder only spaces ('PHO') within 200m (within the St Lukes' Controlled Parking Zone, 'CPZ'). A few opportunities to park overnight on single yellow lines also exist.²
8. TS table 2 sets out, expressed as the average of two weekday nights' surveys, that 83 cars were parked within the 94 PHO spaces. That represents a stress level of around 88%, i.e. only 12% of such spaces were available. Although not stated in the Lambeth Guidance, I understand that 90% is a widely-used rule-of-thumb for where parking stress is potentially unacceptably high.
9. The proposal is to create a parking space within the front garden of No 30, of standard 4.8m depth by 2.4m width. That would be aligned close to the common boundary with neighbouring No 28, resulting in the need to remove some existing low front boundary wall (a length of 2.5m cited by the Council). A greater length, approximately 4m, of the existing kerb would be affected in order to achieve the crossover (TS figure 4).³
10. The proposal would affect a section of marked bay parking in front of No 30, which measures about 9m and also extends a short distance beyond the common boundary with No 28 (the 'section').⁴ The Lambeth Guidance explains that vehicle length is assumed to be 5m, with subdivided stretches of provision 'rounding down to the nearest whole number'. Therefore $9/5 = 1.8$, which rounds to 1. Following the figures above, reducing the section length by 4m still returns the same rounded down figure ($5/5 = 1$). The appellant therefore argues that the proposal would reduce parking stress by virtue of providing an additional parking space in the area. I disagree with that position also.
11. Firstly 5m is greater than a standard parking space of 4.8m, as referenced above, and also than many vehicles. In that context the Lambeth Guidance

² 6 spaces as set out in TS table 1, albeit with lengthier operational hours than the CPZ.

³ Noting the discrepancy between plan 30.CC.CP 01 and three-dimensional images; the former appears to show quadrant rather than rectangular drop kerb stones.

⁴ I measured the length as fractionally shorter.

indicates that stress levels of over 100% may be recorded on account of smaller cars making more efficient use of space. The Lambeth Guidance also has continuous stretches of bay parking provision in mind; the example given in that document to establish the number of spaces based on five metres subdivisions relates to a run of 47m.

12. As such there is some tolerance in the Lambeth Guidance for manoeuvring in and out of spaces. Less space is needed for parking one or two cars in a bay where parallel parking between vehicles is not required, as here. There are also short stretches of single yellow lines either side of the section which may be transgressed at certain times. At the time of my site visit two cars were parked within the section, as was the case during a site visit undertaken by the Council, and is corroborated by aerial imagery.⁵ On balance, the section enables on-street parking for two vehicles at present. That is effectively the Council's position.
13. However, numerically, on that basis the net effect of the proposal on parking provision in the area would be neutral. One on-street space would be replaced with an off-street space, with the remaining section length sufficient for parking a single vehicle. That change effectively takes one space out of publicly available provision, replacing it with a privately-owned space. That may be problematic in certain areas. However in this specific instance there is no substantive evidence to indicate that preserving the former should take priority, in particular as No 30 is occupied as flats and will therefore almost certainly generate demand for parking exceeding a single space.
14. Potential loss by way of reduced applications for resident parking permits and associated income is not a local financial consideration,⁶ and in any event the implications thereof would be *de minimis*. Whilst raised in the representations before me, that is also not a matter cited by the Council.
15. All that said 88% represents relatively high parking pressure, and I have some sympathy with the consequences of that for individuals who will likely struggle to find conveniently-located parking on occasion. I understand that roads near the centre of Muswell Hill were 'restricted conversion areas' under former policy HSG11 of the Unitary Development Plan (adopted July 2006, the 'UDP'). Those were areas where the subdivision of larger properties had resulted in 'extreme parking pressure', and where further subdivision would have been restricted in order to avoid adverse further effects.⁷
16. However I need to follow the logic of reasoning in line with the Council as set out in paragraph 12 of this decision. On-street parking in the surrounding area is not continuous, but rather frequently broken (including in relation to other crossovers), and also interspersed with single yellow lines. Therefore considering the 'inventory' of parking spaces in five metre increments likely under-estimates the availability of parking spaces in practice.
17. That is addressed by the appellant. He explains that on eight occasions there are comparable 'remainders' to bay provision of 9m divided in half elsewhere

⁵ LBH statement of case, paragraph 4.5.

⁶ With reference to Section 143(4) of the Localism Act 2011.

⁷ UDP paragraphs 4.40 to 4.41.

within the 200m study area.⁸ Adding those in would bring the inventory to 102 spaces, resulting in a reduced parking stress of around 81% (such that mathematically you would likely find a parking space after four or five cars).

18. Arriving at an estimation of parking stress inevitably relies on certain assumptions and data generated via a limited study period. However the evidence before me indicates that, whilst high, parking pressures in this particular location are not exceptionally so. The provision of one off-street space in lieu of one on-street would not, therefore, be unacceptable with regard to policy DM33(b) of the Council's Development Management Development Plan Document (adopted July 2017, the 'DPD').

Safety and suitability

19. The Council's decision notice sets out that the proposal would 'worsen highway and pedestrian safety' in conflict with policy DM33, criterion (a) of the DPD. The LBH transportation team's representation sets out how, in their view, the scheme would 'result in an excessively long crossover', being close to the crossover at neighbouring no 28 which is over 6m wide.⁹ That, I am told would result in a long 'near continuous' length of footway where pedestrians would need to be 'alert' to vehicular movements.
20. The position of LBH in this respect appears to pre-suppose that the creation of crossovers is detrimental to pedestrian safety, or that pedestrians will need to take more care than drivers. The first point is partially rebutted by the existence of permitted development rights for the creation of such, and also that DPD policy DM33 conditionally enables crossovers in certain locations.¹⁰ Drivers and pedestrians alike are generally equally keen to avoid conflict, and the need to be alert does not correlate with an environment which is unsafe. Arguably we should all try to be more present at all times.
21. Supporting paragraph 5.12 to policy DM33 sets out that 'in considering an application for a crossover the Council will assess the need for safe and efficient operation of an existing Controlled Parking Zone'. That is a somewhat complex statement. However it suggests that consideration will need to be given to the specific context in which a crossover is proposed. There is no evidence to indicate that any traffic collisions have occurred along Church Crescent within the last 17 years.
22. Moreover Church Crescent is subject to a 20mph speed limit. As the name implies it is not a through road, such that vehicular movements will in all likelihood be principally associated with the residential use of properties and by individuals familiar with the area. Moreover dropped kerbs are commonplace, such that they are now somewhat characteristic in the immediate vicinity. I saw that crossovers are present at neighbouring Nos 28, 32 and also at Nos 20, 24, 26, 32, 36 and 38.
23. The absence of such at No 30 at present may reasonably be said to be something of an exception in this precise location. There are also no

⁸ Paragraphs 1.17 to 1.19 of final comments submitted at appeal.

⁹ LBH officer report, paragraph 6.4.

¹⁰ Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

impediments to visibility, such as road signage, telegraph poles or other clutter immediately around the site that would impede visibility. Consequently, and for the above reasons, I conclude that the proposal would not reduce, or materially affect, pedestrian or highway safety (in accordance with policy DM33(a) and paragraph 108(b) of the National Planning Policy Framework, 'NPPF').

Other matters

24. Paragraph 7.33 of the Muswell Hill Conservation Area Appraisal (adopted February 2008) explains how the removal of front boundary walls to allow for the creation of frontage parking has been detrimental to local character. However the implications of the proposal would be limited in that respect, enabling a good proportion of existing wall to be retained or replaced. Moreover, as set out above crossovers in this precise location are commonplace; the width of crossover proposed here is far less than at other properties (including immediate neighbours).
25. The Crossover Group contend that the existing wall is a good example of an original clinker (brick) front wall. However the stretch proposed for removal close to No 28 appeared to be rather principally rubblework with non-original pointing. There is also lesser continuity and historic integrity to front boundary features here than by 14 Elms Avenue, in respect of which refused application Ref HGY/2019/1384 has been brought to my attention.¹¹ The Council do not object to the effect of the proposal in terms of character and appearance, and given the above context I am of the same view.¹²
26. I have taken careful account of all representations in respect of the scheme, including as regards its potential effects in terms of accessibility to flats at No 30, disturbance, light, privacy, surface water run-off, and whether the scheme would be implementable on account of ownership arrangements. However the proposal would have little differential effect on pedestrian access to No 30, including ground floor flat No 3 (in respect of width, gradient, and alignment). Disturbance during construction would be temporary.
27. Given that the proposal is for low-level development, visually a parked car would be little different from items or planting that could be located here in any event, and as parking a car is an intermittent activity, I am not of the view that any effects in terms of noise, light, or privacy during operation would be unacceptable. Appropriate provision for surface water drainage on-site could be made through an agreed landscaping scheme secured by condition, and land ownership, easements or other rights, are separate matters to the acceptability of a proposal in planning terms. Consequently no other matters are sufficient to outweigh or alter my reasoning regarding the overall acceptability of the development proposed (as reasoned in the main issues in this case).

Conclusion

28. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, along with all other relevant material

¹¹ There is also little information before me as to the comparability of existing circumstances there and here or to the nature of the development proposed.

¹² With regard to the statutory duty placed upon me in this respect by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended.

considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Conditions

29. In addition to securing commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plan, that suitable materials are used, and landscaping effected. Those are necessary so that the proposal is implemented as assessed above, and thereby integrates suitably with local character and appearance (in line with policy SP12 of the Haringey Local Plan and DPD policy DM1).¹³ In imposing conditions I have had regard to the tests in NPPF paragraph 55, the approach in the Planning Practice Guidance, and to relevant statute. Accordingly I have modified the wording of certain conditions proposed by the Council without altering their aims.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan 30.CC.CP 01 (other than as altered via details approved pursuant to condition 3).
- 3) Aside from site preparation and groundworks, no development hereby permitted shall be undertaken until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Such details shall include boundary features, surface treatments, materials to be used, and soft landscaping. The development hereby permitted shall be undertaken in accordance with the details thus agreed, and retained as such thereafter.

¹³ The Local Plan having been adopted, with alterations, in July 2017.