



Appeal Decision

Site visit made on 16 September 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/X5210/D/20/3256159

6 Rosecroft Avenue, London NW3 7QB

- 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 Justin Randall against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/6383/P, dated 20 December 2019, was refused by notice dated 16 June 2020.
 - The development proposed is described as hard landscaping, removal of gate and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for development described as hard landscaping, removal of gate and associated alterations at 6 Rosecroft Avenue, London NW3 7QB in accordance with the terms of the application, Ref 2019/6383/P, dated 20 December 2019, subject to the following condition:
 - 1) The development hereby permitted is as it is shown on the following approved plans: reference Rev C Front Garden Masterplan and 06.961.101.

Procedural Matters

2. As the Council have explained in their evidence, works were underway at the time they considered the planning application. At my site visit, and having seen the proposed plans, it appeared works have been completed. I have considered the appeal scheme accordingly.
3. The originally submitted plans showed a discrepancy between the existing street elevation and the Front Garden Master Plan and the Front Garden Layout Plan. The latter two garden plans showed five brick pillars across the section of wall in front of the hedge, but the former street elevation showed only four. In essence, this related to the existence or not of a pedestrian gate that may or may not be proposed to be in line with the front door of the dwelling. On requesting clarification as to which detail is correct, the appellant has provided a garden layout plan which confirms four brick pillars as per the street elevation. A copy has been sent to the Council. The details thereon are confirmative rather than revised. The plan does not fundamentally change the scheme before me. As such I do not feel any parties will be prejudiced by me taking it into account in making my decision. I have proceeded on this basis.

Application for Costs

4. An application for costs was made by Mr Justin Randall against the Council of the London Borough of Camden. This application is the subject of a separate decision.

Main Issues

5. There are three main issues. These are a) whether or not the development has preserved or enhanced the character or appearance of the Redlington and Frogna Conservation Area; b) Whether the appeal scheme represents the unacceptable loss of permeable green space; and c) whether the development promotes sustainable transport.

Reasons

The Redlington and Frogna Conservation Area (RFCA)

6. The appeal site is a substantial and imposing two storey semi detached dwelling set back from and facing the road. It is one half of a symmetrical pair that includes a hipped roof dormer to the front roof slope, a forward projecting two storey bay window feature and an even uniformity to the fenestration. Whilst there is some variation in design detail, this type, scale and layout of dwelling is typical of the street scene. Their aforementioned setback from the street is deep and gardens tend to be a mix of hardstanding and landscaping. There are a number of examples of front gardens used as off street parking. Front boundaries also vary but are mostly brick walls with capping detail or lower rise walls with an accompanying hedge. This gives for a pleasant and verdant street scene. The scale and symmetry of the proposed dwelling (along with its adjoined neighbour) means the appeal site contributes positively to it, and accordingly the RFCA.
7. The appeal scheme has slightly amended the front boundary treatment, through the reduction in the number of brick pillars and thus total length of the wall. It has also altered the front garden area of the plot to accommodate more off street parking. As I have said, this in itself is not an unusual feature of the street scene. Indeed, the larger opening to the front is similar to the one that serves a lower ground floor garage access to No 8. The works to the frontage have retained the majority of the wall and brick pillars, which have infill metal railing panels, forming an attractive and designed feature to the front boundary. In essence, and taking into account the variety of boundary treatments in the area, I do not see the loss of one pillar (and effectively the pedestrian gate) as unduly harmful. In addition, the retention of a taller landscaped feature behind the remaining wall in the shape of a manicured hedge suits the street scene and contributes to its prevailing verdant character.
8. The changes to the front garden have reduced the amount of planting and increased the area of hard standing. I am mindful however that the hardstanding is not a completely new feature of the front garden and there was previously parking available for a single vehicle. Multiple vehicle parking is again not unusual for the street and the front garden retains areas of planting and grass to break up its mass. Specifically, this includes multiple areas and raised beds around the front elevation of the dwelling, hedges to the side and front boundary and a patch of lawn immediately right of the access as it is viewed from the street. These features, for me, ensure that the new

hardstanding does not dominate the front garden, to the detriment of the landscaped and largely green appearance of the street scene.

9. I note the assertions of the RFCA Statement in regard to how it will resist the loss of or alterations to front boundaries. There is also commentary concerning the consideration of how gardens may be given over to off street parking. I appreciate the stance of the statement in these regards and there have been some works carried out at the appeal site that would, on their face, appear to be such that it would not support. That said, and as I have explained above, the works that have been carried out retain much of the original character and appearance of the front garden and specifically its road facing boundary, despite its run having been truncated. Whilst there seems a principle resistance to such development through the RFCA statement I could only consider that they would be unacceptable if they gave rise to harm in planning terms. Which as I have explained, they do not in this case. Furthermore, the statement is not a policy of the development plan. Indeed, the measures I have set out above are identified as guidance. Conflict therewith would not therefore automatically render a given development unacceptable in planning terms. When also taking into account my earlier findings.
10. With the above in mind, and in regard to this main issue, I do not find that there has been harm to the character or appearance of the RFCA, such that it has been preserved. The appeal scheme therefore complies with Policies D1 and D2 of the Camden Local Plan 2017 (LP). Amongst other things, these policies seek to ensure that new development has a high quality to its design that respects local context and character as well as preserving and where appropriate enhancing the borough's rich and diverse heritage assets and their settings.
11. The sufficiency of the above mentioned policies aside, the Council refer to LP Policy A2 in their reason for refusal relevant to this main issue. On my reading however, I understand this to relate more to the protection of and improvement of access to the borough's parks and public open spaces. I do not therefore consider it relevant to this main issue. My attention is also drawn to the Frognal Neighbourhood Plan but the copy I have seen is not yet adopted, a submission date of May 2020 is shown on the cover but I have not been advised of whether it is now part of the development plan. The Council refer to a Policy BD4 but the copy I have seen does not include such a policy. A Policy BGI2 is also cited, stating that it relates to front boundary treatments but in the draft copy I have seen, this policy relates to tree planting and preservation in new development.
12. General protection for front boundaries and how their loss may lead to an adverse effect on the character of the area are mentioned in the text of the NP where it quotes the RFCA Statement and the matter is also addressed by what Policy SD3 seeks to achieve, SD5 in its consideration of extensions and garden development and SD6 in aiming to retain architectural details of existing buildings. As I have said, the appeal scheme retains much of the front boundary wall, in reality making an existing vehicular entrance wider. The retention of a hedge behind and the inclusion of soft landscaping more than mitigates the loss of what is contextually a small amount of front boundary wall. Were the NP to be adopted, I would not find conflict with the policies I have cited.

Loss of Permeable Green Space

13. Policy CC2 of the LP sets out how development should be resilient to climate change. One such measure to achieve this is to protect existing green spaces and not increasing surface water runoff. Policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible.
14. The increase in the amount of hardstanding in the front garden has been at the expense of a permeable surface. That said, and as I have alluded to above, the front garden was host to a smaller area of hardstanding which did not, according to the plans, appear to have any specific drainage. The new front garden as it now stands features a drain running the length of the area where it abuts the back edge of the highway which will assist in controlling the amount of surface water runoff. It also has a small area of lawn immediately adjacent and the plot frontage as a whole incorporates areas of planting through hedges and raised beds which should also serve as areas to accommodate additional water.
15. Given the contextually small amount of additional hardstanding as part of the appeal scheme, the incorporation of on site drainage and the retention of planted areas, I do not feel that the development has resulted in the unacceptable loss of permeable green space or detrimentally affected the aims of the development plan to respond in a resilient manner to the effects of climate change. Nor would the development, from what I have seen on site, likely lead to an increase in the risk of flooding. It does not therefore conflict with Policies CC2 or CC3 of the LP. The aims of which I have set out.

Sustainable Transport

16. The Council's concerns in regard to this main issue appear to be that, through the increase in parking provision at the appeal site, the development does not promote or prioritise sustainable transport modes or reduce car use. In regard to their objections on this main issue, the Council refer to Policies T1 and T2 of the LP.
17. T1 explains that the Council will prioritise walking, cycling and the use of public transport. I understand the aims of this policy are to reduce car dependency and thus increase transport by sustainable means, but this policy does not explicitly rule out the creation of facilities for car parking. The area in which the appeal site is located is well served by public transport in the shape of buses and trains. Cycling opportunities are also available in the area and from my observations at my site visit they are well used. These options would remain regardless of the success of the appeal scheme. Whilst the appeal scheme does provide for car parking, some car parking existed there previously. The capacity of the off street parking in the case of the appeal scheme has increased from one to two. Which is arguably de minimis in the grand scheme. I am also mindful of the mobility needs of the appellants' relatives for which the additional capacity of the site would be beneficial.
18. Policy T2 sets out that the Council will limit the availability of parking and require all new developments in the borough to be car free. Again, this is not necessarily a moratorium on the provision for car parking. There is an assertion that it should be limited and in that context I consider the addition of one where there was one previously is so. The appeal scheme does not relate

to a wholly new development as in it is the front garden to an existing dwelling. To enforce a car free restriction on its occupation would therefore be unreasonable. Policy T2 goes on to say that the Council will resist the development of boundary treatments and gardens to provide vehicle cross overs and on site parking. It might be fair to point out in this respect that the creation of a new access from an unclassified road would not normally require the benefit of express planning permission unless any restrictions specifically applied. I have not been made aware of any in relation to the appeal site. In addition, and since there was an off street parking space already provided at the appeal site, an access was already in place therefore.

19. Taking these matters into account, I do not find there would be harm arising out of this main issue and that in so being there would be no conflict with the aims of the aforementioned policies, which I have set out above.

Other Matters

20. The appeal scheme also includes a store for wheelie bins. This is located in a discreet position behind the hedge, which in turn is behind the front boundary wall. It is not immediately apparent in public realm views for these reasons and consequently I agree with the Council that it would not give rise to harm to the character and appearance of the area.

Conditions

21. The Council have suggested that any planning permission to not be subject of any conditions. I have considered this in light of the retrospective nature of the appeal scheme but, for clarity and enforceability, I have specified the approved plans to which the planning permission relates. These plans include those ones I have referred to above and the corrected detail in regard to the number of pillars on the front boundary wall.

Conclusion

22. For the reasons and subject to the conditions I have set out, the appeal is allowed, and planning permission is granted.

John Morrison

INSPECTOR