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# Appeal Decision

Site visit made on 7 July 2022

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28th July 2022**

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**Appeal Ref: APP/X5210/D/22/3295790**

**24 Heath Drive, London, NW3 7SB**

- 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 Worship Construction Ltd against the decision of the London Borough of Camden Council.
  - The application Ref 2021/5134/P dated 20 October 2021, was refused by notice dated 24 February 2022.
  - The development proposed is creation of an additional vehicular entrance with construction of associated crossover and dropped kerb.
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## Decision

1. The appeal is allowed and planning permission is granted for creation of an additional vehicular entrance with construction of associated crossover and dropped kerb at 24 Heath Drive, London, NW3 7SB in accordance with the terms of the application ref: 2021/5134/P dated 20 October 2021, subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
  - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted material details and following approved plans: location and block plan (project no: 508-16 drawing no: 0500), proposed plans drawing no: 2000 and proposed sections drawing no: 2001.

## Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

## Main Issues

3. The main issues are the impact of the proposal upon highway safety and whether the proposal would encourage unsustainable forms of transport and harm local amenity.

## Reasons

4. The appeal site is located on the east side of Heath Drive and is a detached Grade II listed property. The appeal site stands within the Redington Froggnal Conservation Area (CA), however, no reasons for refusal based upon the CA or setting of the listed building itself are raised within the Council's decision

- notice. The appeal proposal is for the lowering of the existing kerb and a crossover in front of what is referred to as an existing pedestrian entrance.
5. At the time of my site visit I noted that the property is undergoing building works and in that regard was subject to solid site safety boarding. Despite this I noted the existing vehicle entrance which already benefits from a dropped kerb and crossover. The Council submissions make reference to a separate pedestrian entrance, however, due to the presence of the boarding this was not decipherable from my site visit. It is, however, noted in the images provided within the appellant's statement of case as well as the submitted plans before me. The appellant references examples of off street parking arrangements for other properties within the locality, however, each case should be considered upon its own merits.
  6. I note, from the evidence before me, that the planning history of the site included approval for the widening of the existing secondary entrance to match the width of the vehicle entrance and the installation of matching gates. The approved landscaping plan from that application (2021/5330/P) has been included as an extract within the Council's delegated report. This approved landscaping plan shows the second entrance labelled as a pedestrian entrance. The appeal proposal before me seeks permission for the formalisation of this second entrance as a properly functioning additional vehicle entrance through the construction of dropped kerb and vehicular crossover. The boundary treatments have already been approved so for the avoidance of doubt this appeal will focus solely on the creation of a dropped kerb and vehicle crossover as was the Council's assessment of the proposal.
  7. The site currently benefits from a single crossover which requires those accessing the site in a vehicle to have to reverse in from/on to Heath Drive when entering and exiting the appeal site. The proposed crossover would, I find, allow vehicles to enter and exit the appeal site in a forward gear. Given that this removes a requirement to reverse in/out of the appeal site, based on the information before me, I find that this would improve visibility for site users compared to the existing site layout and singular access point. I do not find that the proposal would change the number of vehicles utilising the appeal site and thus do not find that it would increase potential for conflict between vehicle and pedestrian movements.
  8. The proposal would result in a loss of on street parking, however, the appellant has provided parking survey results which demonstrate parking utilisation in the region of 50% in the more recent survey for those utilising permit bays. This is notably below levels which would usually be considered to cause parking stress (90%) or potential shortfall even if two spaces were to be removed to achieve visibility as suggested by the Council. At the time of my site visit, albeit a snapshot in time, there were a good number of spaces available in the area which would support a lack of parking stress in the vicinity. The proposed crossover is within the current controlled parking zone but, based upon the above I do not find the amendments would be detrimental to that scheme in parking or traffic management terms.
  9. There is no evidence to suggest that the proposal would encourage the occupants of the appeal site to use a car more often or encourage the household to use additional vehicles as there is no additional on-site parking created. The proposal would not change traffic flow but instead manage

existing vehicle movements over two crossovers rather than one.

Improvements to access arrangements would not reduce or change the ability to utilise sustainable transport modes as required by occupants.

10. I note the Council contend the proposal could prevent improvements in the future for alternative sustainable transport measures, however, based upon the evidence before me the Council would have opportunity in other areas of the street to construct and provide such facilities if required. I find that the parking stress survey demonstrates available ample space for such schemes to be implemented and I have no evidence before me that there would be an increase in parking demand which would prevent this. The proposal would not cause unacceptable parking pressure, add to existing parking problems or result in negative impacts on amenity. The appeal site is within a large plot and similarly the proposal would not result in a lack space for facilities such as secure cycle parking, disabled parking or electric charging facilities to be provided within the boundary at a future date for the appeal site itself.
11. The appellant has provided an independent Stage 1 Road Safety Audit (RSA) which is included with a Transport Statement. The RSA does not raise issue with the proposed access arrangements including having had specific regard for visibility including interaction with the mature tree on the footway. This is noted to restrict visibility for vehicles exiting, however, collision data indicates the risk of collision is low, combined with the 20mph speed limit, and recommendations as to use of each access for entry and egress are made. The proposal would not result in sight lines being obstructed which would result in a detrimental impact on safety as per the overarching objectives of Camden Planning Guidance Transport 2021 (Transport CPG).
12. The proposal would not unacceptably compromise pedestrian safety or have any adverse impact on the functioning of the road hierarchy. The introduction of the crossover would remove reversing movements to and from the appeal site which I find would enhance pedestrian safety. Given that the proposal is to assist with the management of an existing driveway I have no evidence before me that the proposed arrangements would encourage the use of unsustainable modes of transport or harm local amenity.
13. Though not referenced in the refusal reason the Council do reference the Transport CPG as previously discussed. The key message from this guidance is 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. It is noted that paragraph 7.5 seeks to avoid vehicle across overs where this would result in the loss of on street parking provision, however, given the results of the parking stress survey I do not find that this would be detrimental to parking provision within the area. Given my findings, as outlined above, I find that the proposal is in this case consistent with the overarching objectives of this document which is ultimately guidance.
14. The proposal would be consistent with London Borough of Camden Local Plan 2017 (LP) Policy T1 given that the proposal is to assist with the management of an existing driveway and I have no evidence before me that the proposed arrangements would encourage the use of unsustainable modes of transport. The proposal would not conflict with the objectives of LP Policy T2 given that the proposal is not in connection with new development, seeks to manage existing on-site parking access and fact that existing car park would continue

to be utilised whether or not the appeal proposal was allowed due to the existing crossover and dropped kerb.

15. LP Policy T2 is noted to resist the development of boundary treatments and gardens to provide vehicle cross overs and on-site parking, however, as previously outlined the on-site parking area itself is already in existence and the boundary treatments and landscaping for the physical access have already been approved through previous applications on the site. The proposal adequately assesses and addresses the transport impacts affecting communities, occupiers, neighbours and the existing transport network as a result of the proposal and is consistent with the objectives of LP Policy A1 with particular regard to the commentary within paragraphs 6.9 and 6.10.

### **Other Matters**

16. Redington Frognaal Neighbourhood Forum object to the proposal. The majority of their comments appear to relate to matters which relate to three other applications at this appeal site which are outside the scope of this appeal. The concerns mainly centre on changes to the consented rear garden landscaping, a loss of further natural subsurface for garden building without any mitigation and the loss of part of the front boundary treatment to facilitate vehicle entry and exit to the front garden.
17. The comments made are noted, however, as stated earlier in this decision letter this appeal falls to consider the creation of a dropped kerb and vehicle crossover as per the Council's assessment of the proposal. I note reference has been made to the proposals being contrary to the Neighbourhood Plan, however, the Council have not stated conflict with policies within the Neighbourhood Plan and I have no evidence before me to conclude differently on this point with specific regard to the proposal which is the subject of this appeal.

### **Conditions**

18. The Council's questionnaire suggests standard conditions relating to time, materials and compliance with approved plans. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. I have not applied the suggested material condition as this suggestion requires external surfaces to match those used in the existing building which is not applicable to this case. The proposed crossover will, in any case, have to be constructed to a set highways specification (which will include materials) and be undertaken by Council approved contractors on behalf of the appellant.

### **Conclusion**

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Randle*

INSPECTOR