

Appeal Decision

Site visit undertaken on 6 October 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 29th November 2022

Appeal Ref: APP/X5990/W/22/3296127

17 and 18 Norfolk Road, London NW8 6HG

- 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 Ms R Beagles against the decision of the City of Westminster.
 - The application, ref. 21/04033/FULL, dated 17 June 2021, was refused by notice dated 4 October 2021.
 - The development proposed is described as alteration to existing front boundary wall, Formation of two vehicle crossovers, creation of hardstanding in the front gardens to provide two single parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant in their Statement of Case (SoC) has submitted an addendum¹ to the Arboricultural Report which was not subject to consultation or consideration from the Council during the planning determination. Given that the addendum does not change the scheme but gives further explanation to the matters of the appeal, in accordance with the 'Wheatcroft Principles',² the acceptance of these updated documents I am willing to accept these documents as they would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. As such, I will base my decision upon this.

Main issues

3. The main issues are:
 - The effect of proposed development upon the character and appearance of the host building and the locality, with particular regard to the St John's Wood Conservation Area (CA);
 - The effect of the proposed development upon existing trees; and
 - The effect of the proposed development towards on-street parking.
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¹ Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement, Dated Aug 2021 by Martin Dobson Associates

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Character and Appearance, including the CA

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting CAs, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
5. In undertaking development, the Westminster City Plan 2019-2040 (CP) Policies 38 and 40 sets a number of design principles for achieving good design and reflecting townscape and architecture, such as responding to the context, people-centred design, sustainable design and achieving excellence in contemporary design, amongst others. CP Policy 39 relates to the considerations around heritage assets, such as seeking that development preserves and enhances CA's, amongst others.
6. The CA's significance is highlighted in the St John's Wood CA Audit 2008, where relevant components of the significance in relation to the appeal site relate to the development of formally laid out speculative housing development of higher status 'gentlemen's villas' and mansion blocks constructed in the eighteenth and nineteenth centuries. The majority of dwellings within the CA including the appeal site are buildings of townscape merit and in the nearby locality consist of semi-detached and detached buildings.
7. Within the locality around the appeal site, dwelling types are typically larger dwellings with a pitched roof and front protruding gable. Some of the positive characteristics of the area are the white stuccoed finishes with decorative barge boards large chimney stacks, shallow pitched roof forms, the Victorian dwellings having large stone window and door surrounds. Extensions and alterations appear minimal and subservient alterations and extensions which maintain historic form and appearance.
8. The use of traditional materials such as timber, brick and slate along with the similar designs reinforce an architectural uniformity and authenticity which creates a formal picturesque townscape along with vegetated front gardens, front boundary treatments along with stone sets to kerbs and street trees which give a spacious, leafy and distinctive character. To the rear the leafy character continues with well vegetated rear gardens, the tops of vegetation which can be experienced through gaps and spaces in and around dwellings. Along the street are street lighting which provides low levels of illumination to the street, however not to a high level with a low traffic flow and a tranquil experience. The CA Audit states that boundary walls are particularly important to the character of the area and their removal has impacted upon the character and appearance of the locality. Off Street parking has also been seen by the CA Appraisal as being a negative attribute that has not been successful in this sensitive area.
9. The appeal site displays a number of positive qualities of significance to the CA, and whilst the building was constructed in the late twentieth century, it has attempted to emulate historic buildings via a classical looking front façade, however the remaining proportions of the building are quite bulky when compared to surrounding historic buildings. Despite this, the buildings

are seen in the CA Audit as a building of Townscape Merit that makes a positive contribution to the significance of the CA. To the front of the dwelling are low boundary walls with pedestrian accesses to the front entrance with vegetated front garden areas.

10. The proposed development would remove a large component of front boundary treatment to the front of the property and would create an enlarged space for off street vehicular parking which would have a domineering impact upon the front of the dwelling. Whilst I appreciate that the building is not historic, it has been designed in a way which replicates the form and character of historic buildings where the character is derived from well vegetated front gardens dominating the character and appearance of the building and of the CA. The proposal would create a car based domineering environment which would not reflect the positive characteristics of the CA.
11. I appreciate the appellant's comments within the Statement of Case (SoC) with regards to the many dwellings along the street having off street vehicular parking and that the same development is proposed to both dwellings to provide an element of symmetry. Whilst no information has been given in the appeal documents as to when such existing accesses were undertaken, or whether they benefit from consent, it is specifically noted within the CA Audit that off street parking has not been successful and that such installations with the removal of boundary treatment have caused detriment to the significance of the CA. As such, just because other accesses exist, does not mean that they form part of the significance of the CA, or represent sufficient justification to causing additional harm to the significance of the CA, when the CA Audit specifically state that such installations are harmful.
12. Taking the above into account, the proposed removal of front boundary for off-street parking provision would cause less than substantial harm to the significance of the CA within the meaning of the term in paragraph 202 of the National Planning Policy Framework (the Framework). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
13. The appellant has outlined that the main public benefits of the proposal are so the occupiers of both properties can install an electric charge point to charge their vehicle which has environmental benefits, as well as reducing pressure on existing public charging facilities, and the reduction of cars from on street parking. Given that there may be other means of providing charging points for electric vehicles, I do not agree that the public benefits from the proposed scheme would outweigh the great weight that is afforded to the conservation of the CA.
14. I therefore find that the public benefits would not outweigh the harm caused to the significance of the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to their significance’.

15. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Trees

16. The main objection from the Council is with regards to the information presented in order to assess the impact towards trees was not sufficient. The Council’s Tree Officer has suggested deficiencies in information such as details of protection measures, proposed service trenches, and details of works within Root Protection Areas. The submitted amended Arboricultural report includes further details on the Root Protection Areas, and methods for ensuring the protection of trees as part of the development, none of which are proposed to be removed.
17. The information presented would now appear sufficient in being able to assess the impacts towards the trees. Whilst the Council’s tree officer has not provided further comment on the amended arboricultural survey, having read the contents I am persuaded that the proposal would not likely cause detriment to the existing trees and be compliant with CP Policies 34 (which seeks to ensure preservation of the natural environment, including trees) and 38 (with regards to preserving and enhancing the existing tree population).

Impact to parking provision

18. Whilst the proposal would give a single vehicular parking space to each of the two dwellings, the proposal would result in the loss of one on street parking space. In support of the proposal the appellant has submitted a parking survey which was undertaken at 13:30 16 March 2021 and 14:30 on Wednesday 17 March 2021. The report shows that parking stress is on average 59.6%, however the report does not detail levels during peak times where parking stress is likely to be more elevated. This is also indicated in the letters of support by interested parties which is attached to the appellant’s SoC where the letters comment on how difficult it is to find a parking space in the evening because of developments nearby.
19. Whilst I also appreciate that the proposal may theoretically remove two vehicles which might park on the road, the proposal would not discourage the driving of vehicles, particularly when located within a highly accessible area of London where there are a range of alternative forms and modes of travel available that are equally and perhaps more sustainable than the electric vehicle. There is also no guarantee and no way of enforcing that all future owners of the property will also have an electric car which negates some of the benefits in providing private car charging points.
20. It is made very clear to me that CP Policy 27 seeks to reduce vehicle ownership and discourage vehicular parking, and that the council will prioritise alternative kerbside uses ahead of parking for private vehicles and also seeks to resist the removal of boundary treatment for such installations.

I can empathise with the current owners who view the current Council provision of electric charging points as not suitable for their needs, however this is unlikely to be a long term issue with the advancement of technology, public charging points and other viable forms of transport modes available to the occupiers.

21. Taking the above into account and in conclusion of this matter, the removal of an on street vehicular space is likely to detrimentally impact existing on street parking provision and would be contrary to CP Policy 27 as described previously.

Conclusion

22. Whilst I have agreed with the appellant that there is unlikely to be detrimental impacts with regards to trees, when taken as a whole, this would be insufficient to overcome the detriment to the conservation area and on street parking provision.
23. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR