

Appeal Decision

Site visit made on 23 January 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/X5210/W/23/3326819

47 Priory Road, Camden, London NW6 4NS

- 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 Cem Kohen against the decision of the London Borough of Camden.
 - The application Ref 2023/0345/P, dated 25 January 2023, was refused by notice dated 17 May 2023.
 - The development proposed is to create a front driveway to allow car parking for a disabled resident along with a dropped kerb on pavement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is located within the Priory Road Conservation Area (PRCA). Therefore, I have been mindful of my statutory duty to have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching my decision.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023. However, the relevant sections of the revised Framework have not changed in respect of the main issues of concern in this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area, having particular regard to the PRCA; and,
 - local parking and highway safety, including whether the proposal would promote unsustainable modes of transport.

Reasons

Character and appearance

5. The PRCA is a small unified residential area, with buildings of the Victorian and Italianate style. Semi-detached villas dominate the area, which are mostly of three storeys with a basement. There is a variety of architectural detail found on buildings within the area, although particular elements include horizontal string courses, rounded or Romanesque arches, double arcaded windows, window casements capped by various pediments, sash windows, porticos, and stucco. Also, throughout the PRCA front boundary walls form an important part

of the formal relationship between house and street, and many of the original boundary walls survive with original coping and piers. Consequently, the form and style of buildings, architectural detailing and front boundary walls and enclosed garden frontages, contribute to the significance of the Conservation Area (CA) as a whole.

6. The appeal property is an attractive three-storey Victorian semi-detached building in residential use. It has a basement and a raised ground floor, with steps leading to a decorated porch. The property retains its original features, including stucco, decorative cornice and surrounds to its sash windows. It also has an enclosed front garden area with a low rendered wall along its front boundary, with rendered piers. The enclosed front garden includes a landscaped area with synthetic grass to one side and, there is a large tree towards each of the front boundary corners.
7. The architectural quality of the appeal building and, that it has retained much of its traditional features, including a front boundary wall and enclosed front garden area, means that the property makes a positive contribution to the character and appearance of the PRCA.
8. The PRCAS sets out that current issues within the area include that front boundaries between the houses and pavement and landscaping have been lost to forecourt parking. The PRCAS continues to explain that alterations to the front boundaries can dramatically affect and harm the character of the CA and that, the loss of front boundary walls to facilitate parking of vehicles in part of the property, would adversely affect the setting of the building and general street scene. The PRCAS also advises that any further loss of front boundary walls and conversion of front gardens into hardstanding parking areas will be resisted.
9. The proposal would retain the existing large trees within the enclosed front garden area and, there would not be a significant loss of landscaping. However, the small synthetic grassed area would be replaced with hardstanding, and a large section of the front boundary wall would be removed to accommodate the proposed development. This would alter the appearance and use of the front garden area, and by the removal of the enclosed garden feature, would have a negative effect on the traditional setting of the host building. Consequently, this would fail to preserve or enhance the character and appearance of the PRCA.
10. Whilst there are examples where front boundary walls have been removed along Priory Road to facilitate parking, I do not have any substantive evidence about their planning history. However, notwithstanding this and when these examples were introduced, they are unsympathetic forms of development, which do not make a positive contribution to the character and appearance of the PRCA. The proposed development, would therefore additionally contribute to the harm caused to the character and appearance of the PRCA.
11. Having regard to the Framework and given the scale and nature of the proposed development, I assess the harm to the significance of the PRCA to be less than substantial. Paragraph 208 sets out that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing optimum viable use.

12. The proposal would create an off road parking space that would allow an EV charging point for an electric vehicle. Thereby, this would help reduce vehicle emissions and contribute towards improving air quality in the local area. Although, this contribution would be small for one vehicle and so, I afford only moderate weight to this public benefit.
13. I appreciate that the appellant suffers from a medical condition which restricts their mobility and so, the proposal would enhance their health and well-being. Also, the proposal would provide greater convenience for the owners of the property to park and charge their vehicle on-site. Whilst I attribute positive weight to these matters, such enhancements to the quality of life of the appellant would be private rather than public benefits.
14. In accordance with paragraph 205 of the Framework, I place great weight on the harm that I have identified to the heritage asset. The public benefits of the proposed scheme would be modest, which is insufficient to outweigh the less than substantial harm caused to the PRCA, a designated heritage asset.
15. In view of the above, the proposed development would be harmful to the character and appearance of the host property and surrounding area, in conflict with Policies D1 and D2 of the London Borough of Camden Local Plan (2017) (CLP), insofar as they seek to require development to respect local context and preserve or enhance the historic environment and heritage assets.

Parking

16. The proposed retained front boundary wall piers and large trees towards the road frontage of the property would likely restrict the visibility of drivers on egress from the proposed parking space. Notwithstanding the 20mph road speed, distance of the proposed access from the nearby road junction and, the likely speed of vehicles using the proposed access, I do not have any substantive evidence to show that adequate vehicular and pedestrian visibility splays would be provided, to ensure there would be no detriment caused to highway safety.
17. I observed that there are examples of existing forecourt parking along Priory Road similar to the proposed access arrangement. However, as noted above, I do not have any substantive evidence regarding the planning history for these examples. Also, whilst no information has been provided to show whether there have been any traffic incidents related to the existing forecourt parking examples, this does not positively weigh in favour of the proposal. This is because the appeal site context is not directly comparable to the existing examples, in terms of the position of wall piers and trees and its location in Priory Road. I have therefore had regard to the individual merits of the proposal.
18. Even if the vehicles using the proposed access and parking area were modern vehicles, with parking and manoeuvring sensors, this would not alert other road users, including pedestrians, to the vehicles using the proposed driveway. Therefore, this would not guarantee there would be no highway safety concerns caused by the proposed development.
19. The appeal site is within a Controlled Parking Zone (CPZ) and at least one on-street resident parking space would be removed to accommodate the proposed access. Thereby, this would reduce the availability of on-street parking space for residents in the area. Whilst the proposal would provide one on-site parking

space, this would be for the exclusive use of the occupiers of the appeal property, rather than a shared space for local residents.

20. The current parking stress ratios within the surrounding area are stated to be below 100% and would remain under such, at 91% with the proposed development. This is based on the number of permits issued compared to the number of parking spaces available in the relevant zones. Whilst this is below 100%, it is still high and so, this does not positively support the proposal, as it would increase rather than reduce parking stress in the local area, despite that 100% capacity would not be reached.
21. Policy T2 of the CLP requires all new development to be car-free and furthermore, sets out that the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted. The proposal would not therefore adhere with such provisions of this policy.
22. Even though the proposal would allow the occupiers of the appeal property to use an electric, rather than a combustion engine vehicle, which may be a more environmentally friendly mode of transport, this would not be as sustainable as public transport use. Also, the appeal property is noted to have several train stations and bus stops within walking distance and so, by providing the proposed forecourt parking space, this would not promote more sustainable public transport use for the occupiers of the appeal property.
23. For the above reasons, the proposal would likely cause harm to local parking and highway safety and would promote unsustainable modes of transport. This would conflict with Policy T1 of the CLP, which promotes sustainable transport by prioritising walking, cycling and public transport. Additionally, there would be conflict with Policy T2, which amongst other matters, seeks to limit on-site parking, including resisting the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking. The proposal would also conflict with Policy A1 of the CLP which, amongst other things, seeks to resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours, and the existing transport network.

Other Matters

24. I appreciate that the proposed hardstanding would be permeable and meet Environment Agency advice and the Council's core strategy requirements to mitigate against surface water flooding. However, this is a neutral consideration, which does not relate to the main issues of concern and so, would not outweigh the harm I have found.

Conclusion

25. In view of the above, the proposed development would conflict with the development plan read as a whole. Other considerations, including the Framework, do not indicate that I should decide other than in accordance with it.
26. Accordingly, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR