



Appeal Decision

Site visit made on 3 December 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/X5210/W/24/3350247

Flat A, 259 Goldhurst Terrace, Camden, London NW6 3EP

- 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 Box Plans Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/1488/P.
 - The development is described as "proposal for the dropped kerb, two off street parking and modifications to the front garden".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, a revised National Planning Policy Framework ("the Framework") has been published. Therefore, I have referenced the revised paragraph numbers where necessary.
3. Since the planning application was determined, the Council has advised that two trees within the front garden of the appeal site have been felled without consent, and they will be seeking their replacement. I have nothing before me to suggest this would not occur. Consequently, I must determine the appeal on the basis of replacement trees being planted within the front garden.

Main Issues

4. The main issues are the effect of the proposal on:
 - a) the promotion of alternative means of travel to the private motor vehicle;
 - b) highway safety;
 - c) the living conditions of the occupiers of neighbouring properties with reference to a loss of on-street parking; and
 - d) the character and appearance of the surrounding area, including the significance of the South Hampstead Conservation Area ("CA").

Reasons

Alternative Means of Travel to the Private Motor Vehicle

5. It is proposed to demolish part of the front boundary wall and hedgerow, erect a gate across the opening, hard surface part of the front garden to provide two off-

street parking spaces, and create a vehicle crossover. Consequently, the proposal would conflict with Policy T2 of the Camden Local Plan, adopted 2017 (“LP”) which requires all new developments within the Borough to be car free, and resists the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

6. By providing two off-street parking spaces, the development would promote car use by the occupiers of the appeal building. Therefore, it would also conflict with LP Policy T1 that seeks to promote sustainable transport by prioritising walking, cycling and public transport.
7. An electric vehicle (“EV”) charger is proposed as part of the development which the appellant asserts would promote a sustainable mode of transport. Even if electric vehicles could be considered a sustainable mode of transport, I do not have a mechanism before me to ensure the occupiers of the appeal building drove only electric vehicles. Furthermore, it would not overcome the proposal’s conflict with LP Policy T2 for car free development, which does not differentiate between petrol, diesel or electric cars.
8. In reference to the first main issue, the proposal would not promote alternative means of travel to the private motor vehicle. It would conflict with LP Policies T1 and T2, the content of which I have detailed above.

Highway Safety

9. Drivers of vehicles exiting the proposed parking spaces could have their visibility impeded by the proposed gate posts, vehicles parked within the existing on-street parking space, and by replacement trees if they were planted in a similar location to the trees that have been felled or as depicted on the submitted drawing. I have not been provided with a drawing that shows that both pedestrian and vehicle visibility splays can be achieved from the proposed access. Consequently, I cannot be sure that the proposal would not create an unnecessary hazard on the public highway.
10. In reference to the third main issue, insufficient evidence has been provided to determine the proposal would not harm highway safety. It would therefore conflict with Policy A1 of the LP 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.

Living Conditions of the Occupiers of Neighbouring Properties – Loss of Parking

11. On-street parking along Goldhurst Terrace is restricted to permit holders only, Monday to Friday 8:30am – 6:30pm. To facilitate the proposal, one on-street parking space would be lost, thereby reducing the number of on-street parking spaces available to permit holders.
12. There are 261 parking permits for the 238 on-street parking spaces on Goldhurst Terrace which, the Council asserts, culminates in parking stress within the street. The appellant’s observations over an undisclosed month indicate that at least one on-street parking space was consistently available on the road. However, this has not been substantiated with evidence.
13. The appellant suggests that the proposal would ensure that two vehicles were no longer dependent on the on-street parking spaces. However, I have not been provided with evidence that the occupiers of the appeal building currently have

permits to park on Goldhurst Terrace. While the appellant states they are eligible for parking permits, this has not been substantiated with evidence. Even if they were eligible for parking permits, it is unclear whether they would be granted.

14. Consequently, the loss of one on-street parking space would result in a shortfall in parking which would harm the living conditions of the occupiers of neighbouring properties. In reference to the third main issue, the proposal would conflict with Policy A1 of the LP 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.

Character and Appearance

15. The appeal building is within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
16. The CA is a well-preserved example of a leafy Victorian suburb, predominantly residential. The area is characterised by large, semi-detached and terraced late-Victorian properties. One of the most prominent features of the area is vegetation both to the front and rear of properties. Green front gardens demarcated by low or ornate garden walls topped with hedges contribute strongly to the area's character. Building lines of the residential streets are generally set-back from the pavement which, with the boundary landscape treatment and many mature specimen trees, give a verdant quality. The significance of the CA derives from its aesthetic value.
17. The appeal site comprises a detached three-storey building that has been subdivided into apartments. The South Hampstead Conservation Area Character Appraisal and Management Strategy, adopted 2011 ("CAMS") identifies the appeal building as making a positive contribution to the CA. The appeal site further contributes to the CA's character, appearance and significance as it is set back from the road by a front garden bounded by a dwarf brick wall with a hedgerow planted behind.
18. CAMS states that the loss of front gardens can significantly detract from the appearance of the area, and that further harm can be caused by paving over green spaces, the loss of boundary walls and hedges, the erection of inappropriate walls, railings and gates, and the visual intrusion of cars parked within the former garden.
19. I acknowledge that the proposal would not result in the removal of the entire front boundary wall and hedgerow, nor would the whole front garden be covered in hardstanding. Also, a gate would be erected across the proposed opening. Nevertheless, the large area of hardstanding, the presence of vehicles within the front garden, and the absence of part of the front boundary wall and hedgerow would result in the loss of a prominent feature of the CA that CAMS seeks to retain. Consequently, the proposal would detract from the character, appearance and significance of the host building, and the surrounding area, including the CA.
20. I have been directed to 257 and 261 Goldhurst Terrace as examples of front gardens that are being used for the parking of vehicles within the surrounding area. However, the development at No 257 was undertaken without planning permission and the development at No 261 was undertaken prior to the adoption of CAMS.

Consequently, they are not directly comparable to the appeal proposal. Furthermore, I must determine each case on its own merits.

21. I have also been directed to various other examples of off-street parking areas within the front gardens of buildings within the surrounding area. However, it is unclear if planning permission was gained or indeed required for these developments or, if planning permission was granted, whether it was granted prior to the adoption of CAMS. Notwithstanding this, these examples clearly demonstrate the harmful effect off-street parking within the front gardens of buildings on Goldhurst Terrace has made to the character, appearance and significance of the CA. Therefore, the retention of the appeal site's front garden and the entirety of the boundary wall and hedgerow is necessary to prevent further harm to the CA.
22. For the reasons detailed above, the proposal would harm the significance of the CA and would not preserve or enhance its character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development.
23. I accept there would be space within the front garden for landscaping that could promote biodiversity. However, I am not persuaded the proposal is necessary for this benefit to be realised as without it, the whole of the front garden would be retained. EV charging points could help reduce vehicle emissions and contribute to improving the air quality of the Borough. However, as previously stated, I do not have a mechanism before me to ensure the occupiers of the appeal building only drove electric cars. These benefits therefore attract limited weight.
24. The appellant asserts that the proposal would result in a net gain of one parking space which would help alleviate parking stress on Goldhurst Terrace. However, I have found that insufficient evidence has been provided to substantiate this matter and therefore limited weight can be afforded to it.
25. Given the great weight I must attach to the conservation of the CA, the harm I have found in respect of the effect of the proposal on the character, appearance and significance of the CA would not be outweighed by the limited public benefits I have identified.
26. In reference to the fourth main issue, the development would harm the character and appearance of the surrounding area, including the significance of the CA. It would conflict with Policies D1 and D2 of the LP which, amongst other things, seek to ensure development respects local context and character, and preserves or enhances the historic environment and heritage assets.

Other Matters

27. The appellant asserts that *"the Framework supports sustainable development, which includes the effective use of land by re-using land that has been previously developed"*. I am unclear which paragraph of the Framework is being referenced, however, "Previously Developed Land" is defined at Annex 2: Glossary of the Framework and specifically excludes land in built-up areas such as residential gardens. It is therefore not applicable to the appeal proposal.

28. I have been directed towards the guidelines contained within the National Design Guide. However, I have found that the proposal would not contribute positively to its surroundings.

Conclusion

29. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR