

**Retention of landscaped front garden area consisting of bin storage area with planting, timber gates, picket fencing and block paving with channel drain.**

**23 High Street, London, N14 6LA**

## **Planning and Design and Access Statement**

## Introduction

Studio Charrette has been commissioned by Kelly Davis to prepare a householder planning permission which seeks to retain the landscaped front garden area consisting of bin storage area with planting, timber gates, picket fencing and block paving with channel drain.

This application has been submitted following an unsuccessful planning appeal which sought retain the front garden area but also utilise it for vehicle access and car parking.

This application is supported by the following documents:

- Planning application form;
- Correct fee;
- Planning Statement (this document);
- Site location and block plan;
- Elevations.

## Application Site

The property is a residential two storey mid-terrace house located on the High Street, within the Southgate Green Conservation Area. It was constructed with red brick and pebble-dash, pitched roof with a dormer, and white UPVC windows and doors. It also has a front garden, and was originally constructed with low white picket fencing at the front.

The surrounding area is mixed use and has a mixed style of housing. The highway in front of the property is a classified road (A1004). It should be noted that the end terrace at No.25 High Street has a fully paved forecourt and dropped kerb.

Picket fences and front gardens are identified as positively contributing to the CA and many individual buildings remain close to their original appearance, which includes the terrace at No.19 to 25 High Street. In this case the dropped kerb is no longer being applied for and the picket fencing and planting has been installed to soften the appearance of the front garden area and seeks to ensure the development now does positively contribute to the wider conservation area and street scene.

**Figure 1: Site Location Plan**



## Planning History

22/01855/HOU - Construction of hardstanding in connection with vehicular access. Refused by notice dated 29 July 2022. Dismissed by Appeal Decision dated 16<sup>th</sup> February 2023.

## The Proposal:

This application is seeking to retain the landscaped front garden area consisting of bin storage area with planting, timber gates, picket fencing and block paving with channel drain. Whilst it is acknowledged that a previous application was refused and dismissed at appeal the front garden area as it looks now without any vehicle parking being proposed, and with the fencing now reinstated in our view now respects the conservation area, its character and appearance.

The fencing is painted white along with the gates and is a picket style fence to replicate what was at the site previously. Planting has also been introduced to soften the appearance of the front garden area and enhance the character and appearance of the conservation area and street scene.

**Fig 4: Proposed elevation**



## Planning Policies

The following policy and guidance documents are recognised as primary considerations for the decision of the associated application at the site location:

National Planning Policy Framework (NPPF 2021)  
National Planning Practice Guidance

The London Plan (2021)  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D5 Inclusive design  
HC1 Heritage conservation and growth  
T1 Strategic approach to transport  
T5 Cycling  
T6 Parking

Core Strategy (2010)  
CP 24 The road network  
CP 25 Pedestrians and cyclists

Development Management Document (2014)  
DMD 6 Residential Character  
DMD 8 General Standards for New Residential Development  
DMD 37 Achieving High Quality and Design-Led Development  
DMD 38 Design Process  
DMD 44 Conserving and Enhancing Heritage Assets  
DMD 45 Parking Standards and Layout  
DMD 46 Vehicle Crossover and Dropped Kerbs

Other Relevant Policy Considerations  
Southgate Green Conservation Area Character Appraisal (2015)  
Southgate Green Conservation Area Management Proposals (2015)

## Assessment

Paragraph 8 of the NPPF (2021) explains that achieving sustainable development means that the planning system has overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- i) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;
- ii) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- iii) an environmental objective – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposal is seeking to retain what has been constructed at the site, as detailed within the Proposals section of this report above.

Of significance in this case is the location of the site within the Conservation Area. The statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas)

Act 1990 (LBCA Act) sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

NPPF paragraphs 194-208 requires an assessment of the particular significance of any heritage asset affected by a proposal including by development affecting its setting. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Legal precedent has confirmed that considerable importance and weight should be given to this requirement. It does however also state that local planning authorities should make a balanced judgement in relation to heritage assets. The NPPF refers to weighing up the benefits of a proposal and whether this outweighs the harm. The NPPF clearly states that not all elements of a Conservation Area will necessarily contribute to its significance.

Paragraph 13 of the Appeal decision states that *'Picket fences and front gardens are identified as positively contributing to the CA and many individual buildings remain close to their original appearance, which includes the terrace at No.19 to 25 High Street.'*

What this application is now seeking to retain would remain as close to the original appearance of the front garden area as it was previously. The picket fence and gates do now remain as close to the original appearance of the property as possible. The planning softens any impact the hard standing area may have on the street scene and Conservation Area.

This is within a predominantly suburban residential location and integrates with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

Paragraph 126 in Section 12 of the NPPF states that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Whilst it is acknowledged that the previous scheme was refused and subsequently dismissed at appeal, this revised application is seeking to reach a compromise here to allow the Applicants to retain the front landscaped area, as constructed without any car parking or vehicle access point.

The front with the picket style fencing and gates and the planting now provided looks extremely attractive, it will never be used to park a car, and the white picket fence is a permanent fixture. The paved front garden area assists the occupants of the dwelling to continue to live independently and allows their disabled son to visit them easily on his mobility scooter.

The hardstanding is important for them as it makes it easier for them to move the bins onto the road for collection, and also for their son to bring his mobility scooter onto the front garden area when he visits them. The driveway will never be used for parking motor vehicles, and never will be. The Applicant's would be happy to accept a planning condition on any approval to ensure this area is never used for car parking.



The work as carried out is to help improve the quality of life for the Applicant's parents. It will conform to the achievement of sustainable development in section 2 of the NPPF. The London Plan requires that disabled people should have a genuine choice of housing that they can afford within a local environment that meets their needs.

The Enfield Development Plan Document states that enhancement of a heritage asset can take many forms, including, but not limited to restoration, repair, removal of inappropriate development, increasing access, increasing visibility, increasing the educational value, conversion to a more appropriate use or enhancement of the asset's setting. The proposed work will not cause any significant impact on the surrounding environment but would in our view continue to enhance the conservation area. The picket fencing and gates reflects the original character of the area and the additional planting provided softens the appearance of the hard standing area. The work helps to aid accessibility for the occupants and for visitors to the dwelling.

The London Plan requires the development plan to deliver positive benefits that conserve and enhance the historic environment, as well as contribute to the accessibility and environmental quality of a place, and social wellbeing. It is our view that the development as constructed has very minimal impacts upon the street scene and wider conservation area.

Southgate Green Conservation Area Management Proposal requires the retention of fences and green spaces to the front of the properties. It is clear that the provision of the completed hardstanding to the front of the property does result in the loss of the green space. However, this application no longer includes any off street car parking provision, it does include a new white picket style fence and gate and some planting. In our view this does not have any significant impact on the character of the conservation area. The development as completed now provides an appropriately enclosed front boundary treatment, as required by the plan. It is also noted that the neighbouring house (number 25) and another eight properties have driveways with dropped kerbs between 23 High Street and Waterfall Road which do not reflect the original character or appearance of the area. Also, 15 High Street applied to extend an existing vehicle crossover which was granted planning permission.

In the context of the overall design of the conservation area the development is not considered inappropriate. It is suitable with regard to it providing safe, attractive, effective spaces, routes and ensuring easy movement.

The occupiers of the dwelling are 87 and 85 years of age. One has a blue badge as a result of suffering from arthritis and one of the occupants also has a pacemaker. They need to be able to park outside their house when carrying in shopping. They have spent a lot of money adapting the house according to their needs. If they cannot retain what has been constructed here, the Council will effectively be forcing them to sell it and move. This would be a clear breach of their human rights in this situation.

When they purchased the house, they were unaware of the restrictions regarding the provision of hard surfacing to the front of their property and the removal of any of the garden area. Before they bought 23 High Street, the white picket fence at the front had already been removed (with the exception of the gate) and the previous owner was using the front area to park his motorbike (see attached photo '23 High St, before purchase below:').



Furthermore, the house adjoining this house (number 25) had a paved driveway with black gates and the owners were (and still are) using the driveway to park one or both of their cars (see attached photo showing 25 High St, driveway below:).





Within previous decisions a lot of reference has been made to 'the special character and significance of the conservation area' but there are eight properties which have driveways with dropped kerbs between 23 High Street and Waterfall Road, as well as the neighbour (at 25 High Street). This is explained in detail above. If these property owners were given permission for driveways and dropped kerbs, it is our view that the precedent has been set and as such whilst this application no longer seeks any parking areas or dropped kerbs the provision of the picket fence, gate and planting along with the hard surfacing area now installed is no more harmful than the existing site and surroundings in the existing street scene.

A driveway with car parking, a boundary wall and black coloured metal gates is clearly visible next door. It is our view that this sets the precedent, and we fail to see how an argument can be made here that the current proposal seeking to retain the picket fence, gates, plating and hard standing is any worse than that next door.

Whilst it is acknowledged that the current hard standing area has now been installed, to completely remove it (given the other similar access points and driveways as mentioned in the examples above) would be unreasonable. It is no longer proposed to use this for any car parking areas and it has now resulted in an improvement to the street scene through the erection of the white picket fence and gates and the additional planting. It would result in unnecessary stress and anxiety for the occupants of the house who already have several health and mobility issues. They simply want to be able to retain the existing front garden area as installed to enable them to safely move the bins for storage and collection and to allow their disabled son to visit the property easily.

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority needs to give due regard to this duty and the considerations within it. The occupants of the property are elderly and also have a disabled son.

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have must be taken into account in reaching any recommendation for this application. Of particular relevance is Article 8 – Right to Respect for Private and Family Life.

The scheme has been designed in the most sympathetic manner possible so as not to significantly or adversely affect the character and appearance of the area or street scene.

The development is appropriate and suitable. It will make a positive contribution to the conservation area and promote sustainability.

As can be seen from the images below the picket fencing, gates and planting results in a development which has far less adverse impacts upon the street scene and wider conservation area than any of the other poorly designed hard surfaced driveways which are used for car parking, such as the site immediately next door.







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## Conclusion:

Following a review of the applicable policy and material considerations, it is our professional view that the development is in compliance with all applicable policies as illustrated.

We see no reason for the council to refuse our request for planning approval and kindly request for a timely decision to be made in line with the applicable guidelines of the NPPF.

Should any further information be requested to assist in the council's assessment of the proposal, please do not hesitate to contact me directly.

Thank you,

Kind regards,

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