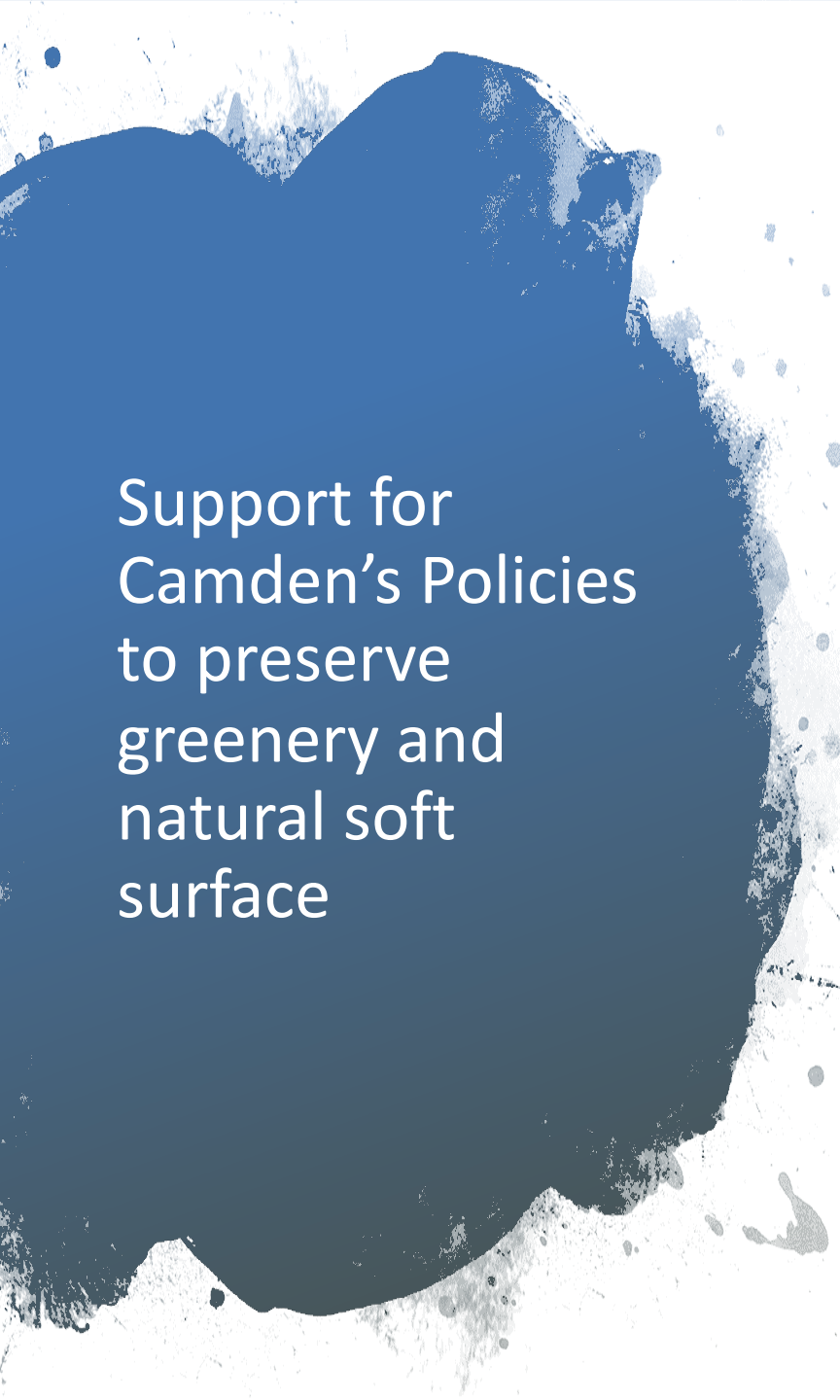




Article 4 Direction

To prevent further harm and loss of natural
soft surface in Camden's
garden suburb conservation areas.



Support for
Camden's Policies
to preserve
greenery and
natural soft
surface

Statutory consultees and voluntary organisations:

- Redington Frogna
Neighbourhood Forum
 - Netherhall Neighbourhood
Association and
 - Hampstead Conservation Area
Advisory Committee
 - Heath and Hampstead Society,
-
- **agree completely with
Camden's Policies which attempt
to preserve greenery and natural
soft surface.**

Camden Local Plan Policies to preserve greenery and natural soft surface

| Camden Local Plan | | |
|--|-----|--|
| Rear Gardens and Ecology | A2 | <p>Protection of other undeveloped areas including gardens</p> <p>6.37 Development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area. The Council will protect such spaces in accordance with paragraph 74 of the National Planning Policy Framework. Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its 'sense of place'). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape. Part of the established character of these spaces may also be defined through features such as railings and garden walls. We will seek the retention of these features where they make a positive contribution to townscape value.</p> |
| | A3 | <p>6.63 The Council will also seek the retention of other areas with nature conservation value, such as gardens. Development will be resisted where it would result in the loss of an excessive part of the garden or garden space which contributes to the character of the townscape. Native hedgerows and vegetation comprised of native species should be retained as far as possible.....</p> <p>6.74 Trees and vegetation are integral to the amenity and character of the street scene, provide connections and habitat for wildlife, offer shade and cooling to improve the local microclimate, reduce the impacts of pollutants and filter pollutants from the air.....Increasing trees and vegetation is an important way of adapting to projected future temperature increases linked to climate change.</p> <p>The Council will protect and enhance sites of nature conservation and biodiversity. We will:</p> <ul style="list-style-type: none"> c. seek the protection of other features with nature conservation value, including gardens, wherever possible; e. secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor; <p>The Council will protect, and seek to secure additional, trees and vegetation. We will:</p> <ul style="list-style-type: none"> j. resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation |
| | CC2 | 8.37 As well as limiting urban over-heating, green spaces help to slow the passage of rainwater to Camden's drainage network, which in turn reduces the risk of surface water flooding during intense rainfall events..... |
| Front and side gardens; front boundary treatments for new developments | T2 | <p>The Council will limit the availability of parking and require all new developments in the borough to be car-free.</p> <p>We will:</p> <ul style="list-style-type: none"> b. limit on-site parking to: <ul style="list-style-type: none"> i. spaces designated for disabled people where necessary, and/or ii. essential operational or servicing needs; c. support the redevelopment of existing car parks for alternative uses; and d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking. l. expect replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development; m. expect developments to incorporate additional trees and vegetation wherever possible. |
| | CC2 | 8.37 As well as limiting urban over-heating, green spaces help to slow the passage of rainwater to Camden's drainage network, which in turn reduces the risk of surface water flooding during intense rainfall events..... |
| | A3 | 8.41 Trees near buildings to mitigate the urban heat island effect are best placed to the west, south west or south of buildings with small leafed species likely to offer the greatest impact..... |
| Tree planting and preservation | CC2 | 6.74 Trees and vegetation are integral to the amenity and character of the street scene, provide connections and habitat for wildlife, offer shade and cooling to improve the local microclimate, reduce the impacts of pollutants and filter pollutants from the air.....Increasing trees and vegetation is an important way of adapting to projected future temperature increases linked to climate change. |
| | A3 | <p>6.75 The Council will seek the retention of trees and vegetation of significant amenity, historic, cultural or ecological value.....Trees and vegetation are important to the contribution a site and its setting make to townscape character and amenity and have a sense of maturity which may often be lacking from replacement planting</p> <p>6.79 Where the loss of trees or vegetation of value cannot be avoided or would adversely affect their future growth, the Council will require suitable replacements capable of providing at least equal amenity and ecological value.</p> |

MHCLG and GLA Policies in Support

National Planning Policy Framework, February 2019:

- Para 70 “. Plans should consider the case for setting out policies to **resist inappropriate development of residential gardens**, for example where development would cause harm to the local area.”
- Para. 122 “Planning policies and decisions should support development that makes efficient use of land, taking into account:
 - d “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”

Building Better, Building Beautiful Commission *Living with Beauty* report, January 2020:

- Recommendation **11. Nature: re-green our towns and cities**
- Policy Proposition 33: regreen streets and squares. Other actions which the government should support and encourage should include:
 - **Greenery low to the ground to capture particulate matter;**
 - **The retention of existing hedges in greenfield developments and planting of new hedges.**

GLA *Grey to Green*, July 2019:

- Benefits of Depaving

“Climate change is expected to result in more frequent and intense rainfall. **Turning grey areas of impermeable surfacing to green** reduces the risk of flash flooding by intercepting and slowing down the flow of rainfall to our sewers and waterways, helping to better protect our homes from surface water and sewer flooding.”

Redington Frognal and Fitzjohn's Netherhall are Camden's Garden Suburbs

The garden suburbs are characterised by many and large gardens, forming an important local ecological network, with trees, hedges and vegetated areas, connecting to Hampstead Heath.

They are key to supporting biodiversity and home to wildlife, including bats, owls, frogs, dragonflies, wrens, song thrushes and other species.

Over the years, a considerable cumulative amount of green garden space has been converted to buildings and hard surface

Research commissioned from Ordnance Survey indicates the following increases since the buildings were originally developed

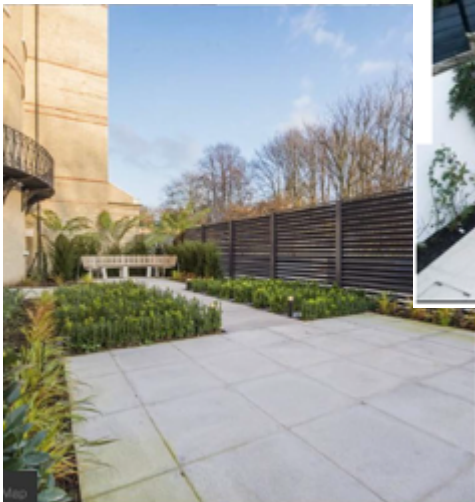
Building footprint: +32%

Roads, paving and other hard surface: +13%.

Rear “gardens” in Arkwright Road



And a consequent **loss of more than 1 in 8 gardens (-13%).**



Trees and canopy have disappeared at an unsustainable rate

The aesthetic value of trees substantially enhances the townscape, while shade and shelter provided by their canopies helps to cool urban areas in summer and prevent heat loss in winter.

Trees contribute to ecosystems by providing food and habitat for birds, pollinators, and other animals, and improve air quality by absorbing a range of toxic gases and particulates.

Trees are also important for reducing the risk of flooding by absorbing surface water runoff, and improving water quality (by filtering out pollutants).

With trees making such a large contribution to the Area's character and providing multiple benefits to ecological and human health, it is of great importance that the Area's tree canopy is maintained.

ProximiTREE data commissioned from Bluesky International shows that, in just six years (2010 – 2016), **the number of trees has plummeted by almost -40%, from:**

- **8,009 trees, with a canopy cover of 30%, to**
- **5,062 trees, with a canopy cover of 23%.**

Why does the loss of gardens matter?

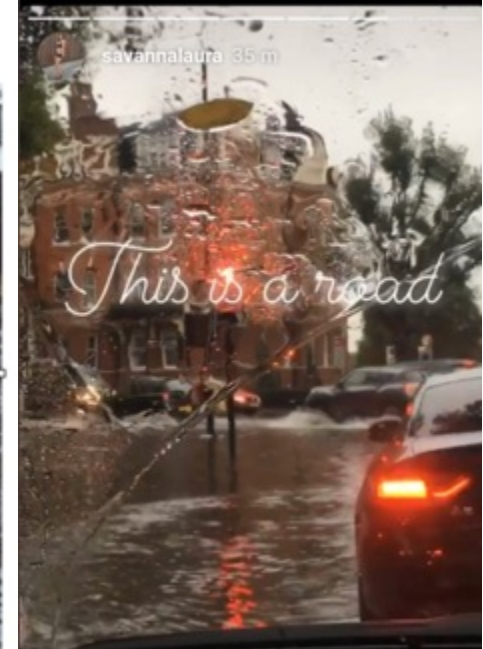
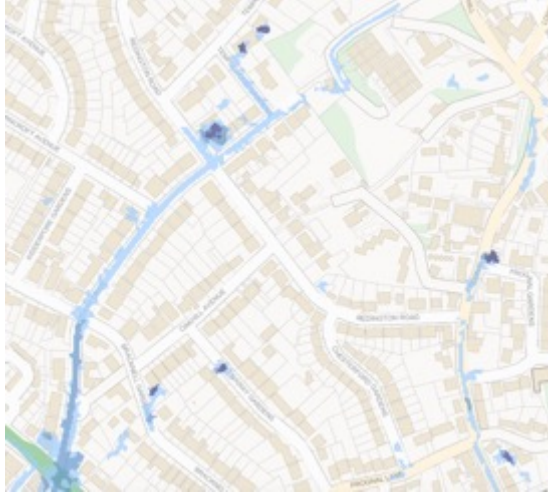
- **Loss of soft natural natural space** matters because:
 - gardens, green space, trees and vegetation act as a carbon sink and play an important role in capturing carbon;
 - green space and a green outlook are important for health and well being;
 - vegetation filters pollutants and provides habitat for wildlife.
- **Loss of gardens** is accompanied by:
 - a general loss of vegetation, with tree and hedge felling;
 - it reduces the space available for future tree planting;
 - it harms the verdant character of the garden suburb conservation areas (classified as designated heritage assets); and
 - increases water runoff in an area with complex hydrogeology and many springs and underground streams, that is prone to surface water flooding.

Frognal and Fitzjohn's: an area of complex hydrogeology at risk of surface water flooding



Downstream flooding incidents, October 2013 and September 2019

Environment Agency flood risk

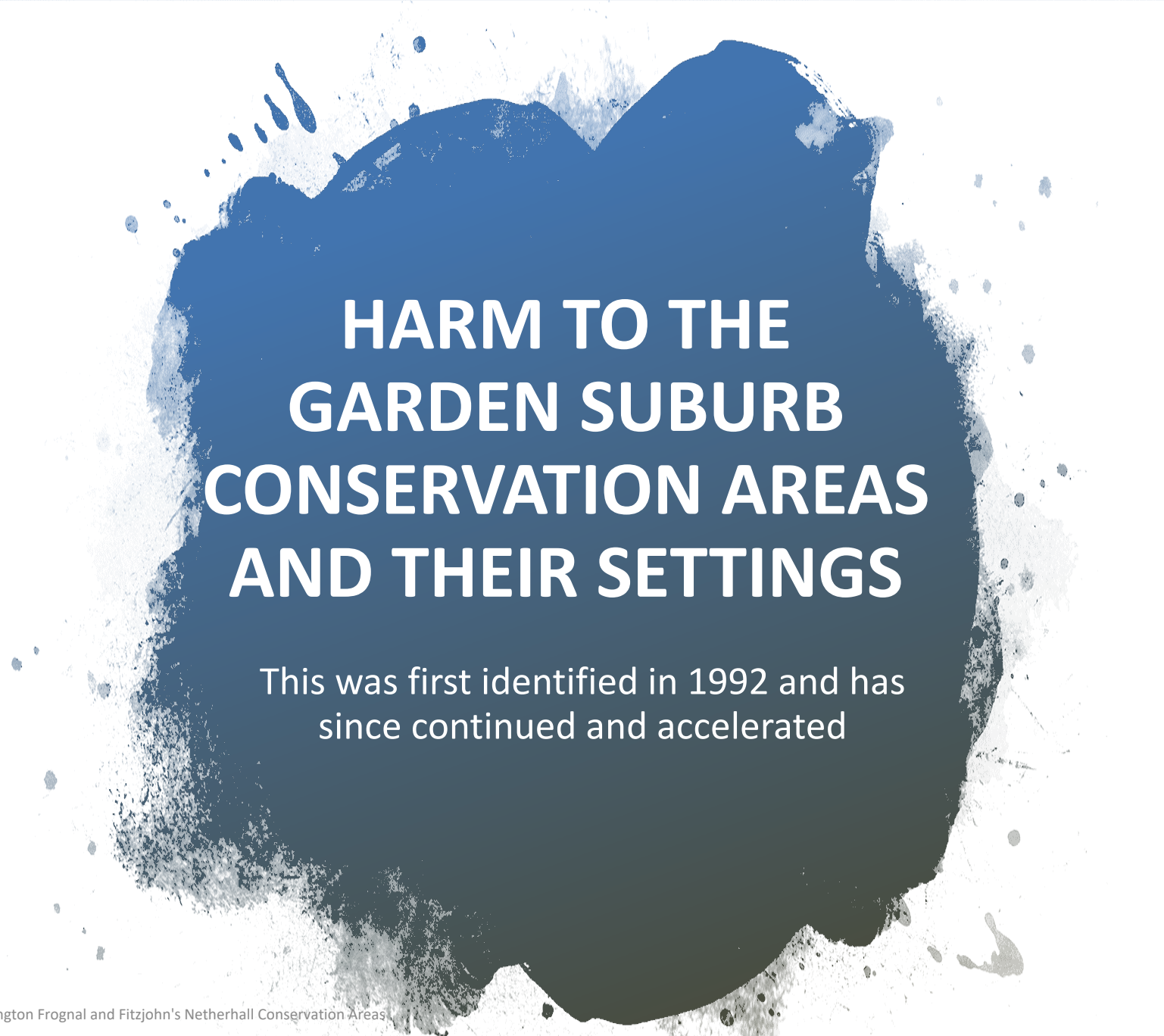


Redington Frognaal and Fitzjohn's Netherhall
Conservation Areas



Fitzjohn's Netherhall Conservation
Area and the rivers
Fleet, Tyburn and Westbourne

Tributaries of the underground rivers
Fleet, Tyburn and Westbourne feed
into the lower areas of the London
Borough of Westminster and City of
London.



HARM TO THE GARDEN SUBURB CONSERVATION AREAS AND THEIR SETTINGS

This was first identified in 1992 and has
since continued and accelerated

Harm to Redington Frognal, 1992

The harm caused to the character of the Conservation Area from off-street parking and loss of garden space was first noted in the Conservation Area appraisals in **1992**

Statements seeking to prevent harm to the Redington Frognal Conservation Area, 1992

Section 2.5

“Off-street car parking which would result in the loss of significant garden or amenity space, or which would involve damage to the appearance and amenity of street frontages, street trees or the public realm, will be resisted.”

Section 6.4

“The conservation of the character of an area is not solely a matter of controlling development and managing necessary change. It also relies greatly upon the retention of small features and careful protection of detail, whether parts of buildings, components of the public highway and footpaths, or features of open space. The constant but also invisible erosion of the character of the area is attributable to the numerous minor alterations which occur over time.”

New Extensions Section 6.7

These will usually require planning permission and should therefore comply with the policy requirements for the area. In certain circumstances within the curtilage of a single family dwelling house, extensions, loft conversions, out buildings and structures up to a certain size may be carried out as permitted development under the General Development Order.”

Swimming Pools, Outbuildings Etc. Section 6.10

“.....There may be a problem where a larger structure is proposed, particularly if it occupies a significant proportion of the garden, or if trees will be lost, or their roots disturbed.”

Off-Street Parking: Hardstanding Section 6.11

“The Council has a policy to refuse planning permission for the creation of residential forecourt parking in Conservation Areas because the introduction of off-street parking into front garden areas can destroy the green appearance and character of the site.

“Many good examples of well designed parking areas can be found in the Conservation Area, often mixing brick pavements, or flag stones with landscaping. Unbroken tarmac or concrete should be avoided. Where possible, the original gate and path to the entrance door should be retained and integrated into the design.”

Trees, Shrubs and Gardens. Section 6.18

“Agreement to fell a tree will normally only be given if the tree is dead or diseased, dangerous or makes no contribution to the landscape and where a replacement tree is proposed.”

Section 6.19

“The number and variety of trees and shrubs in front and rear gardens gives the whole area its character. Planting new trees to replace those that die will help preserve the character and appearance of the area for the future.”

Walls and Hedges Section 6.27

“The walls, hedges and gates enclosing front gardens are part of the green character of the area and many survive intact. These often incorporate low brick walls, wooden gates or lych gates and a variety of shrubs and hedges and can usually be maintained and restored without great expense.”

Harm to Redington Frogmal, 2003

Harm caused to the character of the Conservation Area from off-street parking and loss of garden space continued to be noted in the Conservation Area appraisal of **2003**

Redington Frogmal, 2003

Page 2 Article 4 Directions

“The analysis of the Conservation Area undertaken for this Statement led to an initial assessment of the suitability of applying an Article 4 Direction in the Conservation Area. It was recognised that in some locations in the Conservation Area further protection of certain features, in particular front boundaries, forecourts and windows, will be considered. At the time of publication there are no Article 4 Directions that have been applied to properties within the Redington/Frogmal Conservation Area.”

Character and appearance of the area “Mature trees and dense vegetation form the dominant features of the street scene in many of the "Avenues" and "Gardens" of the Conservation Area. In addition the rear gardens, many of which are sizeable, make a contribution of their own to the areas verdant quality. The gardens also contribute to the ecological balance of the area.”

Elements of streetscape that make a positive contribution to the Conservation Area “The character and the appearance of the Conservation Area are not solely functions of its buildings. Elements within the public realm, such as original pavement materials, boundary walls and signage and particularly in the case of the Redington/Frogmal area, vegetation, contribute greatly to the area's quality, character and appearance.”

Works to frontages and within the public realm “Building frontages, pavements and landscaping are important constituents to the character and appearance of the Conservation Area. Alterations to the front boundaries between the pavement and properties can dramatically affect and harm the character of the Conservation Area as brick walls and piers are enormously important to the streetscape. The following often result in a detrimental impact:

- Loss, alteration or replacement of boundary walls, gateposts, piers, railings and balustrading
- The formation of new cross-overs
- The loss of trees and boundary planting
- Introduction of high railings to inappropriate front boundaries

A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. The principle is not acceptable and further loss will be resisted.”

Harm to Fitzjohn's Netherhall, 2001

The harm caused to the character of the Conservation Areas from loss of trees, gardens and boundary walls and hedges was recorded in the Conservation Area appraisal in **2001**

Statements seeking to prevent harm to the Fitzjohn's Netherhall Conservation Areas, 2001

Character and Appearance of the Area

"Throughout the Conservation Area the contribution of the streetscape is significant: the trees (public and private), the vegetation, the boundaries between private gardens and the street", the rear gardens. Large mature trees have a presence in nearly every view. Some roads were planted with trees.....while others rely on profuse planting of trees and shrubs in private front gardens. Trees are an inherent characteristic part of the Conservation Area. As well as appearing as formal street planting they appear in front gardens.

The presence of street trees does not necessarily diminish the importance of trees in private gardens. The private landscape often contains significant trees, whether groups or individual specimens, contributing to the character of the area, visible from public places or perhaps from surrounding properties.

Original boundary walls are distinctive, using particular materials and details to echo the architecture behind. Although the walls and their special details vary from street to street, and in some streets from house to house, the palette of materials, repeated details and underlying design conventions give a remarkable consistency.

Although not always visible from the street. The rear gardens form large blocks of open land making a significant contribution to the character of the area.

Current Issues: Front Boundaries and Landscaping

"Alterations to the front boundaries between the pavement and properties can dramatically affect and harm the character of the Conservation Area. Brick walls and piers are enormously important to the streetscape and there is a rich variety of detail and materials. Many have distinctive stone capping....." ".....the continuous walls, many with hedges, form the character of the streetscape...."

"A number of front gardens have been turned into parking areas and what should be a soft landscape with a path, possibly tiled, becomes a hard surface. **The principle is not acceptable and further loss will be resisted.**"

Extensions, Conservatories, Backland

"Extensions and conservatories can alter the balance and harmony of a property or groups of properties.....A number of **additions have harmed the character of the area and further inappropriate erosion will be resisted.**"

"In an area with large plots of open green land there is also pressure for backland development which can reduce the quality of the visual as well as ecological environment."

Parking Issues, Pressure for Forecourt Parking, School Run Issues

"Residential conversions in the area have led to increasing pressure for parking places, with the consequence of demand for off-street and forecourt parking."

Guidelines developed to prevent harm: Redington Frognal, 2003

Redington Frognal Guidelines, 2003

Backland/Rear Gardens RF1

“Rear gardens contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable.”

Front gardens and boundaries RF8

“Alterations to the front boundaries between the pavement and houses can dramatically affect and harm the character of the Conservation Area. Boundaries in the Conservation Area are predominantly formed by walls, either with railing or hedges. The original features of the boundaries may vary. Where there are low walls alongside the road and within properties they add to the attractive appearance of the front gardens and architectural setting of buildings. Proposals should respect the original style of boundary and these should generally be retained and reinstated where they have been lost. Particular care should be taken to preserve the green character of the Conservation Area by keeping hedges. The loss of front boundary walls where it has occurred detracts from the appearance of the front garden by reducing the area for soft landscaping in this urban residential area. Furthermore, the loss of front boundary walls facilitates the parking of vehicles in part of the property, which would adversely affect the setting of the building and the general street scene.”

RF9

“The Council will resist any further loss of front boundary walls and conversion of front gardens into hardstanding parking area.”

Trees and Landscape Design RF34

“..... The Council will consider the removal or existing trees only where necessary for safety or maintenance purposes or as part of a replanting/nature conservation programme.”

RF35

“All trees which contribute to the character or appearance of the Conservation Area should be retained and protected. Developers will be expected to incorporate any new trees sensitively into the design of any development and demonstrate that no trees will be lost or damaged before, during or after development.”

Guidelines developed to prevent harm: Fitzjohn's Netherhall, 2001

Fitzjohn's Netherhall Guidelines, 2001

Trees and Landscaping F/N 28

"All trees which contribute to the character and appearance of the Conservation Area should be retained and protected. Developers will be expected to incorporate any trees sensitively into the design of any development and demonstrate that no trees will be lost or damaged before, during or after development....."

Front Garden and Boundaries F/N31

"Boundaries within the Conservation Area are predominantly formed by walls, many with hedges, with a variety of original features. Alterations to the front boundaries between pavement and houses can dramatically affect and harm the character of the Conservation Area, as walls alongside the road and within properties add to the attractive appearance of the front gardens and architectural setting of the 19th century buildings.

Proposals should respect the original style of the boundary and these should be retained and reinstated where they have been lost.

Particular care should be taken to preserve the green character of the Conservation Area by keeping hedges. The loss of front boundary walls, where it has occurred, detracts from the appearance of the front garden by reducing the area for soft landscaping in this urban residential area.

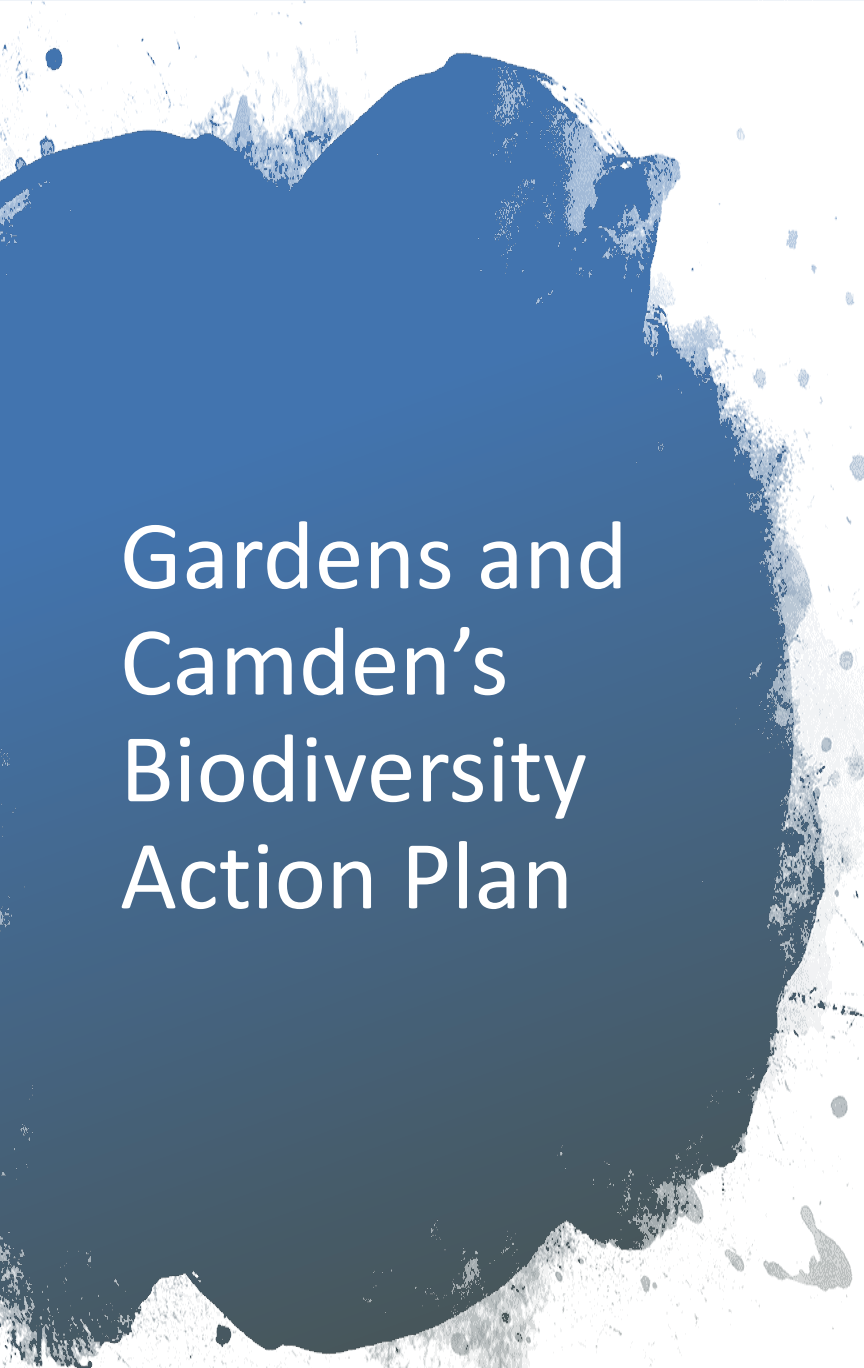
Furthermore, the loss of front boundary walls facilitates the parking of vehicles in part of the property, which would adversely affect the setting of the building and the general street scene.

The Council will resist any further loss of front boundary walls and conversion of front gardens into hardstanding parking areas."

Backland / Rear Gardens F/N32

"Rear gardens contribute to the townscape of the Conservation Area and provide a significant amenity for residents and a habitat for wildlife.

Development within gardens is likely to be unacceptable."



Gardens and Camden's Biodiversity Action Plan

The importance of gardens is also recognised in the *Camden Biodiversity Action Plan*:

- section 2.8 front gardens:
 - Camden Planning Guidance requirements should be implemented “in relation to paving of front gardens;
 - planning permission will not be granted for hard standings greater than five square metres that do not incorporate sustainable urban drainage systems (SUDS) into the design”.
- section 2.9 rear gardens:
 - “Gardens with nature conservation value will be protected from development, in accordance with Camden Core Strategy Policy CS15 and Development Policy DP 24.”



BUT.....

- The Conservation Area appraisals and Camden Biodiversity Action Plans were never adopted as Supplementary Planning Guidance.
- The Conservation Area Guidelines have never been enforced.

As a result, the gardens have been lost:

The same rear garden before (left) and after (right) extension and garden building



Redington Frognal and Fitzjohn's Netherhall
Conservation Areas

Verdant streets with front gardens and hedges but, because of the lack of an Article 4,




Redington Frogna and Fitzjohn's Netherhall
Conservation Areas

front gardens and hedges are being replaced by cars, railings and hard surface in Redington Frognal, and.....



.....in Fitzjohn's Netherhall
front gardens have similarly
become car parks





How can this be
reversed?

Garden development activity is primarily due to single dwelling houses

Permitted development rights for single dwelling houses are overwhelmingly responsible for the loss of Redington Frognal gardens:

- almost 80% of all planning consents involving garden losses between April 2005 and August 2010 related to development activity by single dwelling houses.

Relatively large rear gardens are being exploited to facilitate substantial development activity, such as:

- extensions to existing rear extensions
- swimming pools and paved surrounds
- hard surfaced areas, such as decking, large patios and outdoor kitchens
- tennis and basketball courts
- cinemas
- over-large separate residential space extensions masquerading as gyms etc and “summer houses” and other buildings.

Such developments are urbanising the conservation areas’ green, vegetated nature and are at the expense of wildlife habitat.



Development has contravened Camden's policies

Camden has largely been **unsuccessful in protecting the Conservation Areas** from the loss of garden space - front, side and rear –

due to permitted development under the terms of the General Development Orders for single family dwellings.

At a time of climate emergency, it is of utmost importance to:

- slow down the loss of green space and wildlife habitat that occurs with building and parking in gardens, designated as greenfield land.

This could be achieved by Article 4 Directions for Frognal and Fitzjohn's conservation areas

Article 4 Directions should be implemented to remove permitted development rights and require planning consent to be obtained for applications for:

- Extensions to buildings, including outbuildings and swimming pools.
 - They must involve no significant reduction in the area of soft natural surface, the amenity and biodiversity value of garden space within the site and the wider ecological network and be supported by ecological assessments, if Camden determines that bats or bird habitat is present.
- Removal of existing front boundary treatments, including hedges and walls
 - Reinstatement of soft surfaced front garden / depaving is to be encouraged.