



Haringey Council

[No.]

Agenda item:

Overview and Scrutiny Committee

1st February 2010

Report Title: Paving over front gardens / Crossovers – Service Report to Overview and Scrutiny Committee

Report authorised by:

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Wards(s) affected: ALL

Report for: Non Key

1. Purpose of the report

1.1 In June 2008 the Overview and Scrutiny Committee asked for a one-off feasibility report on the practicality of undertaking an in-depth review on the issues surrounding paving over front gardens in Haringey. This report was considered at the Overview and Scrutiny Committee meeting on 27th July 2009.

1.2 At the 27th July meeting, it was requested that a further report be presented to the Committee on 23rd November 2009. The purpose of this report would be to address a number of issues identified by Members. The presentation of this report has subsequently been deferred to 1st February 2010.

1 Introduction by Cabinet Member N/A

2 State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1 The issues considered in this report are related to one of the high level strategic outcomes from the community strategy: an environmentally sustainable future.

3.2 The issues considered in this report are also related to the Council's strategic priorities:

- making Haringey one of the greenest boroughs
- creating a better Haringey; cleaner, greener and safer

3 Recommendations

4.1 That the Committee note the contents of the report.

4 Reason for recommendation(s)

5.1 N/A

6. Other options considered

6.1 N/A

7.1 Introduction

7.1.1 The feasibility report of 27th July 2009 provided a comprehensive overview of issues relating to the paving over of front gardens. It explained the importance of front gardens in London's ecosystem and provided information on the extent of front garden loss at a national, regional and borough level. A summary was given of the factors behind the loss of front gardens and details given of action being taken at national, regional and borough levels.

7.1.2 The purpose of this report is to address the queries from Members in relation to the 27th July report. Many of these queries relate to the provision of vehicle crossovers over public footways in order to provide access to front garden parking.

7.1.3 There has been a significant downward trend in the number of applications for vehicle crossovers received by the Council. In 2006, 248 applications were received. By 2007, this had fallen to 155. In 2008, 111 applications were received and in 2009 the number fell to just 55 applications.

7.1.4 Of the 111 applications received in 2008, 91 were approved and 20 were rejected. Of the 55 applications received in 2009, 37 have been approved, 2 have been rejected, 3 have been cancelled and 13 are pending a decision.

7.1.5 Between April 2008 and March 2009, 37 planning applications were received for vehicle crossovers. Of these, 6 were granted, 28 were refused, 2 were withdrawn and 1 was considered to be permitted development.

7.2 Enforcement

7.2.1 Unauthorised development of crossovers and paving over of front gardens figure prominently in the caseloads of Members and there is a general perception that the current enforcement process is ineffective. Members have requested:

- Further details on the current enforcement process, in particular the road highways

inspection for illegal development

- Enforcement data concerning unauthorised crossovers
- How can enforcement be improved?

7.2.2 Enforcement action in relation to unauthorised crossovers is undertaken by the Planned & Reactive Maintenance Team of the Highways Asset Group in Sustainable Transport. Each public highway is inspected every 6 months and Inspectors look specifically for unauthorised crossovers during these inspections. Upon identifying a potential unauthorised crossover, Inspectors serve a notice letter under the Highways Act 1980. This letter informs the householder that they must stop using the crossover illegally and outlines the process for applying for a crossover. It advises the householder that they may be subject to prosecution if they continue to use the illegal crossover without attending to the required application. It also states that, in certain circumstances, the Council may carry out works to block unlawful ingress and egress to and from premises. If there is no response to the letter after seven days, a second letter is sent using registered post. If there is no response to this, a final warning is issued. Should this be ignored, bollards are erected in order to block access to the illegal crossover. An example of this type of enforcement action is shown in the photograph in Appendix 1.

7.2.3 The number of notices served on properties and number of bollards erected has reduced drastically from previous years. For example in 2007, just after the policy on crossovers was reviewed and endorsed by the Cabinet of the Council, officers served 52 notices on properties where illegal driving over the pavement had been observed. In the same year, bollards were installed outside 13 properties where illegal driving over the pavements had continued despite notices being sent to residents. By comparison, between January 2009 and October 2009, notice letters were served to 6 properties in Haringey. In the same period, bollards were erected in front of 3 properties.

7.2.4 In the majority of instances residents do apply for permission to construct crossovers and others have refrained from driving illegally across the pavements once notices are received.

7.2.5 Enforcement action in relation to the paving over of front gardens is undertaken by Planning Enforcement Officers. There are restrictions on the amount of hardstanding that can be allowed. There was a case recently where a Council property re-instated the requisite amount of its front garden area after being covered in hardstanding. The permitted development rights in relation to hardstandings are set out in Appendix 2. Planning Enforcement Officers refer cases to Highways where there is no crossover.

7.2.6 The enforcement process could be improved if the Sustainable Transport service had greater awareness of locations where Members have concerns regarding unauthorised crossovers. One way of achieving this would be through Member walkabouts with the new Street Enforcement Officers.

7.3 Communication.

- 7.3.1 - How has the Council promoted the value of front gardens to residents and provided details of low cost/ low maintenance alternatives?
- How have the new Permitted Development rules (October 2008) for paving over front gardens been communicated to local residents?

7.3.2 The Council has promoted the value of front gardens in its booklet, Greening Your Home, which is distributed at community events, for example Green Fairs and other Council events. We have a guide to the new approaches to front garden paving on our web-site. We will be including an article on this topic in a forthcoming Planning and Regeneration newsletter.

7.3.3 The new Permitted Development rules are created by Central Government so communication is initially down to the Department of Communities and Local Government. They have done this through information on the Planning Portal web-site, and in their own separate Design Booklet – on hardstandings in front gardens.

7.3.4 There are merits on the Government doing its own communication; the rules on permitted development are complex and if every Local Authority issued its own version of advice, that could result in differing interpretations.

7.3.5 Haringey Council's 'Vehicle Crossover Application Guidance Notes' state that from 1st October 2008, planning permission is now required to lay impermeable hardstanding in the front or back gardens.

7.4 Safety

7.4.1 - What considerations are taken account of pedestrian safety as people walk along footways where crossovers have been installed (i.e. vehicles exiting and entering across the pedestrian footway)?

- In particular, how is pedestrian safety assessed where applications for a crossover is near a school or on a route to school?

- Are there guidelines on how vehicles may enter and exit the property (forwards or in reverse) and are these enforced?

7.4.2 In assessing applications for vehicle crossovers, the Council is required by the Highways Act 1980 to have due regard to the need to ensure, so far as is practical, safe access to and egress from the premises which is served by the access. Each application is assessed on its individual merits so proximity to a school will be taken into consideration as part of the assessment. Haringey Council's 'Vehicle Crossover Application Guidance Notes' state that for road safety reasons, crossovers are not acceptable within or in the immediate vicinity of hazardous zones. These are:

- (i) onto a section of road where traffic speeds are high;
- (ii) on the approach to traffic signal junctions where regular queuing takes place;
- (iii) onto a roundabout, or a cycle track;
- (iv) within the zigzag markings of pedestrian crossings;
- (v) immediately adjacent to pedestrian refuges, traffic islands;
- (vi) at a bus stop, and/or within bus cages; and/or
- (vii) within 15 metres of a junction.

7.4.3 The 'Vehicle Crossover Application Guidance Notes' state that there must be

sufficient space within the curtilage of the site to ensure that parked vehicles do not overhang the footway; the minimum allowable depth is 4.8 metres. The minimum width for a crossover is 2.4 metres and the maximum allowable width is 4.8 metres. The Guidance Notes state that vehicles must park at 90 degrees to the carriageway. There is no guidance on the manner in which vehicles should enter and exit the property and vehicle movements are not monitored.

7.5 Conservation Areas

7.5.1 - What additional assessments are considered for proposed crossovers in Conservation Areas?

- Are there any restrictions for paving over front gardens (irrespective of being used for parking) in Conservation Areas?

7.5.2. The rules of 'permitted development' on hardstandings in Conservation Areas are the same as outside of Conservation Areas; however, what is different is the issue of front garden walls. In a Conservation Area, consent is required for the substantial demolition of a wall on the front boundary of the site with the pavement if that wall is more than 1 metre high; substantial demolition means the major part of a wall. So if only part of a wall was taken out for formation of a vehicle crossover and hardstanding, and the larger part of the wall was left standing, that would not necessarily need consent for demolition. Enforcement action regarding this is taken by Planning Enforcement Officers.

7.5.3 Flats do not have permitted development rights, so any hardstanding in front of a house converted to flats needs permission.

7.5.4 The assessment is based on the visual harm to a Conservation Area of demolition of a wall.

7.5.5 There are no additional restrictions on paving in front gardens in Conservation Areas; they now have to be constructed from porous materials if more than 5 sq. m. in area as with properties outside a Conservation Area.

7.6 CPZ

7.6.1 - How are applications for front garden parking/ crossovers treated during the period leading up to areas being considered for possible parking controls like a CPZ?

- If this is monitored, is there a marked increase in applications for front garden parking and how are these dealt with?

7.6.2 In the period when areas are being considered for possible parking controls, applications for crossovers in that area are treated in the same way as any other application, i.e. without regard to possible parking controls. Once controls are in place, any loss of parking bays due to the proposed crossover is considered in the assessment of the application. Members may like to consider introducing restrictions on the approval of vehicle crossover applications during the year when a new CPZ is due to be introduced.

7.6.3 At present, there is no monitoring of applications for front garden parking in relation to the implementation of parking controls. The majority of existing CPZs were implemented a few years ago. In light of this, the sharp downward trend in the number of applications for crossovers over recent years would tend to suggest that

existing CPZs do not give rise to a large number of crossover applications.

7.7 Drainage and flood risk

7.7.1 - Is there any further data on localised flooding – the instances and location of where this has occurred?

In relation to existing front garden parking is there anything that can be done retrospectively to improve environmental impact like drainage etc. for example, where there is obvious run-off of water due to the construction/slope of the paved parking area?

- Are there any recommendations/incentives to make changes especially when an existing hard standing is being replaced?

7.7.2 There is no further data on localised flooding; the existing data was provided to Haringey Council by the Environment Agency. Officers are not aware of any instance where flooding was caused specifically by the paving over of a front garden.

7.7.3 There is currently no legislation relating to improvements to existing front garden parking or action that can be taken retrospectively. Planning Officers are not aware of any incentives to improve drainage of existing front garden parking. If there is replacement hardstanding (i.e. complete rip-up, removal and replacement by new), it would have to be replaced with porous materials if more than 5 sq.m.

7.8 Home Information Packs

7.8.1 The new Home Information Packs (HIPS) require details of ability to park near the home - this may encourage demand for provision of off-street parking - will any monitoring be undertaken to see if there is any correlation between application for front garden parking and property being put on the market for sale?

7.8.2 Unfortunately, lack of resources precludes this type of monitoring at present.

8. Chief Financial Officer Comments

9. Service Legal Comments

9.1 There are no legal implications for services at this time.

10. Head of Procurement Comments N/A

11. Consultation

11.1 Representatives from (1) Sustainable Transport (2) Planning Policy and (3) Planning Enforcement departments within Haringey Council were consulted in the development of this report and have approved the conclusions and recommendations made within it.

12. Service Financial Comments

12.1 There are no financial implications for services at this time.

13. Use of appendices /Tables and photographs

14. Local Government (Access to Information) Act 1985

Appendix 1 – Bollards erected to prevent unauthorised crossover



Appendix 2 – Permitted development rights and conditions in relation to hardstandings

The conditions attached to permitted development rights (Part 1 class F) is as follows:

Permitted development

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any

purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Conditions

F.1 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.