



Haringey Council

## Overview and Scrutiny Committee 27<sup>th</sup> July 2009

**Report Title: Paving over front gardens – Feasibility report for a full scrutiny review.**

**Report authorised by:**

Cllr Gideon Bull, Chair of the Overview and Scrutiny Committee

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Wards(s) affected: **ALL**

Report for: **Non Key**

### 1. Purpose of the report (That is, the decision required)

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.

1.2 The aim of this report is to consider the feasibility of the Overview and Scrutiny Committee commissioning a full scrutiny review paving over front gardens in Haringey.

### 2. Introduction by Cabinet Member (if necessary) N/A

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

3.1 A review undertaken in this area could potentially contribute to one of the high level strategic outcomes from the community strategy: an environmentally sustainable future. In delivering this outcome one of the key priorities in the Council Plan for 2009/2010 includes 'improving our streets'.

3.2 A review of paving over front gardens could potentially contribute to the Council's strategic priorities:

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

3.2.3 There are no specific performance indicators within the LAA which a scrutiny review of

paving over front gardens might support.

#### 4. Recommendations

4.1 That the Committee note the contents of the report.

4.2 That a full scrutiny review is not commissioned at this time but that the service provides an update to the Committee in June 2010.

#### 5. Reason for recommendation(s)

5.1 See 7.8 and 7.9

#### 6. Other options considered

6.1 Options for involvement of Overview & Scrutiny are discussed in section 7.9.

##### Introduction

7.1.1 Private gardens cover  $\frac{1}{5}$  of the total land area in London and make up  $\frac{1}{3}$  of all green spaces in the capital.<sup>1</sup> The cumulative size of private gardens inevitably means that they play an important role in London's ecosystem by helping to maintain water drainage and preserving local biodiversity. Private gardens are also important space where London's inhabitants can relax and socialise.

7.1.2 As the general population and level of car ownership has continued to grow this has increased pressures on garden space (particularly front gardens) to be converted to hard standing for car parking. In London alone, it is estimated that 32km<sup>2</sup> of front gardens have been lost to the development of off-street parking.<sup>1</sup> The nature and rate at which front gardens are being lost has attracted widespread concern at national,<sup>2</sup> regional<sup>1</sup> and local<sup>3</sup> levels.

7.1.3 The loss of front gardens is felt to be particularly problematic in highly urbanised areas such as London, as this may lead to increased flood risk, a reduction in local biodiversity and exacerbate local climatic conditions. Furthermore, the replacement of front gardens with hard standing inevitably reduces the aesthetic and character of areas in which this practice becomes widespread.

7.1.4 There have been a number of initiatives undertaken at national, regional and local levels to restrict the rate at which front gardens are being lost to off-street parking. Most recently (October 2008), greater controls have been placed on property owners wishing to introduce hard standing (or other impermeable materials) within their front

<sup>1</sup> Crazy Paving: The environmental importance of London's front gardens GLA (2005)

<sup>2</sup> The Environmental importance of front gardens D Alexander in Town & Country Planning (2005)

<sup>3</sup> Call this green? Council firm slammed for concreting of front garden. Hornsey Journal April 30<sup>th</sup> (2009)

gardens for car parking. Although it is too early to tell if these new rules will deter property owners effectively and will lead to a significant reduction the number of front gardens paved over, local data would appear to suggest that there is decline in the rate at which front gardens are being authorised for use for off-street parking in Haringey.

- 7.1.5 This report provides an overview of how front gardens are being lost and the impact that this has had across the capital and in Haringey. It details the interventions that have been taken nationally, regionally and locally to reduce the rate at which front garden conversions are occurring. The report also makes a number of conclusions about this issue in Haringey and highlights a number of options through which the Overview & Scrutiny Committee may wish to be involved.

## 7.2 Background

### The scale of private gardens

- 7.2.1 Regional analysis has demonstrated that private gardens make up 320km<sup>2</sup> of London's total area and contribute to 1/3 of all the green-space in the capital.<sup>1</sup> Given the scale of this coverage, private gardens inevitably play an important role in maintaining London's ecosystem. Householder's front gardens are naturally much smaller, but still cover an estimated 48km<sup>2</sup> of the London area.<sup>1</sup>

- 7.2.2 There are widespread concerns however, that front gardens are facing a number of pressures from new development, particularly as property owners seek to pave over their front gardens to create off-street parking, or simply to create a garden that is easier to maintain.

### National and regional extent of front garden loss

- 7.2.3 Research undertaken by the Greater London Assembly (GLA) would suggest that almost  $\frac{2}{3}$  of London's front gardens have, to some degree been covered by hard surfacing.<sup>1</sup> Research commissioned by the Royal Horticultural Society would suggest that 14% of front gardens in London are more than  $\frac{3}{4}$  paved over, though regionally this is the lowest in England (Figure 1).
- 7.2.4 The actual rate at which front gardens are being lost is difficult to determine as data is not systematically collected. The best proxy indicator is the number of pavement crossovers which are authorised by Local Authorities. A crossover is where a

<sup>4</sup> Hard surfacing of font gardens Pene Healy Associates for Ealing Local Agenda 21 (2004)

<sup>5</sup> What's the problem with paving over front gardens? [www.planning.portal.gov.uk](http://www.planning.portal.gov.uk) 2009

<sup>6</sup> Urban Flooding Parliamentary Office of Science No. 289 and Technology July 2007

<sup>7</sup> Future Water: the Governments water strategy for England DEFRA 2008

<sup>8</sup> [www.Thamesweb.com](http://www.Thamesweb.com) The Thames Estuary Partnership

<sup>9</sup> Insect shortage leaves sparrows starving. [www.rspb.org.uk](http://www.rspb.org.uk)

<sup>10</sup> Haringey Transport Strategy Local Implementation Plan

<sup>11</sup> Guidance on the permeable surfacing of front gardens DCLG, 2008

<sup>12</sup> London Plan; spatial development strategy for greater London, Mayor of London 2004.

<sup>13</sup> [www.lbp.org.uk/londonhabspp.html](http://www.lbp.org.uk/londonhabspp.html)

<sup>14</sup> <http://www.ukbap-reporting.org.uk/plans/>

<sup>15</sup> Greenest Borough Strategy Haringey Council 2008

<sup>16</sup> Greening Your Home: Help the environment, save energy, water and money Haringey Council (2006)

property owner is required to drop the kerb so that they can access the garden (in their car) from the highway. Although planning permission is not always required for installation, these generally need to be authorised and completed by the Local Authority.

- 7.2.5 In the five year period to 2006, it is estimated that there have been approximately 120,000 crossovers applications made to Local Authorities in London.<sup>1</sup> Although this figure relates to applications received rather than applications approved, it is estimated that between 70-80% of applications are eventually approved. This would suggest therefore that between 85,000 and 100,000 crossovers were eventually installed in London in the period 2001-2006. Even this is likely to be an underestimate of the real rate of front garden loss however, as this does not include those crossovers which have been installed illegally.
- 7.2.6 Ealing Local Agenda 21 undertook an audit of 66 roads to assess the level of illegal construction of crossovers and unauthorised parking in front gardens. Data from this audit found that there were 2,470 households parking in the front garden of which 217 did not have a crossover.<sup>4</sup> This would infer that the rate of illegal crossovers being installed is approximately 10%.
- 7.2.7 Crossovers data alone cannot give a full picture of the extent or rate at which front gardens are being lost to hard standing, as crossovers only relate to the installation of off-street parking. What property owners do in their front gardens is generally a matter for them and many small scale developments are allowed through General Permitted Developments guidelines within the Town and Country Planning Order (1995). In this context, hard standing may be introduced to front gardens, without recourse to planning authorities, purely for ease of garden management.

#### Front garden loss in Haringey

- 7.2.8 Local data would seem to suggest that the rate of front garden loss seen across London is mirrored locally. Approximately 200 applications for crossovers were received each year by Haringey Council in the period 1999-2008 (Figure 2). Assuming a 75% approval rate, this would suggest that there were approximately 1,500 crossovers installed over the same time period.
- 7.2.9 Analysis of trend data however, would suggest that the rate at which off-street parking in front gardens have been authorised by the Council is on a downward curve: where applications peaked at 252 in '03 and have continued to decline to 111 in '08 (Figure 2).
- 7.2.10 Further analysis of more recent crossover data (2006-2008) suggests that there has been a marked decline in the number of crossover applications requested (-25%), received (-56%) and approved (-62%) by Haringey Council (Figure 3). To illustrate this, in 2006 there were 238 crossovers approved yet by 2008, this had fallen to just 91.

### **7.3 Impact of front garden loss**

7.3.1 Irrespective of the current rate to which front gardens are being lost to hard standing, the long term cumulative impact of property owners paving over front gardens are substantive and far reaching, far beyond that of the inevitable decline in the aesthetic of an area. The following section highlights the key environmental impacts that front garden loss may contribute to in urban areas.

#### Increased flood risk

7.3.2 Urban areas are more susceptible to floods caused by surface water run-off than non-urban areas because of the greater expanse of impermeable surfaces. Thus when heavy rainfall occurs this cannot percolate into the natural watercourse or aquifers which can result in localised flooding. In urban areas up to 95% of rainfall may act as surface water run-off whereas in rural areas this may be as low as 5% (Figure 4).

7.3.3 In 2007, flooding in urban areas caused widespread disruption, damaged infrastructure and in a number of cases lead to loss of life.<sup>5</sup> In many cases, flooding occurred because drains could not cope with the amount of rain water flowing into them. The loss of porous surfaces and vegetation in urban areas have been identified as significant factors in creating higher levels of surface water run-off which have contributed to local flooding.<sup>6, 7</sup>

#### Pollution

7.3.4 The spread of impermeable surfaces in urban areas also increases the risk of pollution as surface water run-off (that occurs during floods or heavy rain) picks up oil, petrol and other surface contaminants. In urban areas surface water run-off is generally channelled in to the sewer system, though in areas like London the age of the sewer system means that it does not have the capacity to deal with the increasing volume of run-off created by the expansion of impermeable surfaces (i.e. paving over front gardens or new developments). When the sewer system cannot cope with the volume of run-off, it is discharged along with pollutants and surface contaminants in to the natural water course (i.e. local rivers) causing pollution.

7.3.5 London's 140-year-old sewage system is frequently unable to cope with the combined flow from the city's sewage together with surface water run-off. It is now recognised that even during periods of moderate rainfall, overflows discharge storm water and sewage into the River Thames on average once a week: an estimated 20 million cubic metres of untreated sewage is discharged into the Thames every year in this way.<sup>8</sup>

7.3.6 The loss of vegetation through the paving over of front gardens can also contribute to increased air pollution in urban areas. Firstly, the declining volume of green vegetation in urban areas means that less carbon dioxide (CO<sup>2</sup>) is absorbed contributing to higher levels of air pollution. Secondly gardens without vegetation are often drier, which can ultimately mean that streets with few front gardens can be dustier and dirtier than streets with front gardens.

#### Loss of biodiversity

7.3.7 Private gardens represent 'green chains' which are an important factor in helping to maintain the biodiversity of urban areas. In a fairly straightforward association therefore, it can be concluded that pressures on private gardens (front or back) are

likely to impact the nature and level of biodiversity that these are able to support.

- 7.3.8 Research conducted by the Royal Society for the Protection of Birds (RSPB) and Natural England has concluded that the removal of trees and the conversion of front gardens for parking has led to a significant loss of insect mass in urban areas, which among other impacts has contributed to a 68% decline in the numbers of house sparrows in urban areas.<sup>9</sup>

Exacerbation of local climatic conditions

- 7.3.9 Where garden vegetation is replaced by hard surfaces heat may be absorbed more readily which can contribute to the 'heat island effect'; where urban temperature are significantly higher than the surrounding rural areas. Urban heat islands can exacerbate weather conditions, generating more localised and more extreme weather patterns associated with higher temperatures such as thunderstorms and poor air quality.

Subsidence

- 7.3.10 Finally, the covering of gardens with impermeable materials can have a negative impact on the foundations of housing, particularly in clay soils. The removal of vegetation and the covering soft soil with an impermeable surface can contribute to ground and foundation movement as the ground dries out.
- 7.3.11 Subsidence can also be exacerbated where trees are present. The lack of water permeating the soil means that trees will struggle to find sufficient water, encouraging roots to grow outward. Often roots will extend under nearby properties and, as most water is absorbed in the final few metres of root, this disrupts the water balance in the soil which can cause the ground to desiccate under foundations.

**7.4 Factors behind the loss of front gardens**

- 7.4.1 There are clearly many social, environmental, cultural and attitudinal factors at play in shaping how property owners choose to manage their private gardens. Whether property owners choose to keep front gardens as a place for enjoyment and relaxation or to be used for off-street parking is ultimately a personal choice. There are however, three main factors behind the loss of front gardens:
- population growth and extension of car ownership
  - the development of on street parking restrictions
  - desire for low maintenance gardens.

Population growth and extension of car ownership

- 7.4.2 Whilst the rate of car ownership in London (62%) is lower than for the rest of the UK (75%), the growth of the London population and the density in which property owners live will in effect mean that car owners are competing for parking spaces across the capital. Local data would also seem to confirm national trends where the proportion of household in Haringey who have access to one, two or three cars has continued to rise.<sup>10</sup> Thus for some people, the conversion of a front garden to off-street parking becomes preferable to driving around the local neighbourhood trying to find a parking space.
- 7.4.3 For some households where there is a physical disability or other vulnerable person resides, it may be a necessity to create off-street parking to enable them to access

services and other facilities. For other less vulnerable householders however, being able to park close to their home may simply be a matter of convenience.

- 7.4.4 There may be also financial or security motivations for property owners to pave over their front gardens to create off-street parking. Property owners may feel that their car may be more secure being closer to their home. Such assertions would seem to be verified by the fact that car insurance can be between 5-10% cheaper if off-street parking is available.<sup>1</sup> In addition, there may be other financial advantages to householders in developing off-street parking as in some areas this may carry a premium in local house prices.

#### The development of on street parking restrictions

- 7.4.5 In response to parking difficulties encountered by local residents, Local Authorities have introduced Controlled Parking Zones (CPZ). This enables the Local Authority to set parking restrictions in geographical areas at certain times. Property owners are required to pay an annual fee to park within these zones and parking restrictions are enforced through a penalty system.

- 7.4.6 Although there is no supporting data to verify this, anecdotally it has been suggested that the introduction of CPZ may have some influence on property owners' decisions to develop off-street parking. Firstly, a CPZ does not guarantee property owners a parking space outside their own home so there is no disincentive to create off-street parking. Secondly, off street parking may actually be incentivised to avoid the charges and the penalty system associated with CPZ maintenance and enforcement.

- 7.4.7 There are currently 11 CPZ's in Haringey and a further two restricted parking zones which have been developed in consultation with local residents and businesses. Whilst there may be regulatory and financial disincentives to discourage off-street parking in established CPZ's (see section 7.7.8), such disincentives may not apply for those property owners seeking to pre-empt the introduction of a CPZ.

- 7.4.8 There is commonly held misconception that the creation of off-street parking increases the level of parking available on a street, when in fact the opposite maybe true. Evidence received by the GLA enquiry in to this issue found that off-street parking actually reduced the level of parking spaces available in a street as householders installing off-street parking effectively gain a space outside their house and in their garden due to the installation of parking bars.<sup>1</sup>

#### Desire for low maintenance gardens

- 7.4.9 There may of course be other reasons, aside from parking, which may be behind the increase in the rate at which front gardens are paved over in urban areas. A significant proportion of property owners who may replace their front garden with hard standing or other impermeable materials, may do so not to park their car, but simply provide an easier way to manage and maintain their garden space. Aside from education, this may be far more difficult to regulate.

### **7.5 Action taken at the national level**

- 7.5.1 There have been a number of legislative and policy developments which have been

aimed at reducing the rate at which front gardens are lost to impermeable materials and developing a more coordinated response to flood risks in urban areas. These are summarised in the following section of the report.

Amendments to General Permitted Development Order

- 7.5.2 Future Water is the government's water strategy for England and was published in 2008. This report recognised the importance of developing new planning controls to help minimise the risk of floods in urban areas. Most importantly, the policy document made a specific commitment to introduce greater planning controls to restrict property owners from replacing front gardens with impermeable surfaces.
- 7.5.3 Under the Town and Country Planning Order (1995), certain small scale developments are permitted within the curtilage (the enclosed area of land around a dwelling) without the property owner requiring planning permission. These developments are known as General Permitted Developments (GPD) and were designed to reduce the burden on the planning and regulatory system. The paving over of front gardens to install off-street parking was primarily covered as GPD which meant that local planning authorities had little influence over their development.
- 7.5.4 To help reduce the impact of paving over front gardens, amendments were introduced to GPD rights which brought further planning controls on property owners wishing to pave over their front garden. From October 2008, property owners who wanted to convert in excess of 5m<sup>2</sup> of their front garden to an impermeable surface would require planning permission. Property owners using permeable materials were not required to seek planning permission.
- 7.5.5 In addition, amendments to GPD rights stipulated that within such developments, water must not run-off on to the public highway but must be discharged or channelled on to an outer part of the remaining garden where this can be absorbed. To accompany changes to GPD rights, the Department of Communities and Local Government issued guidance to property owners on what constituted permeable and impermeable surfacing.<sup>11</sup>

The Pitt Review (2008)

- 7.5.6 In the aftermath of the major floods in 2007, it was noted that unlike Scotland and Northern Ireland, there was no single body with overall responsibility for surface water drainage in urban areas. The Environment agency, Local Authorities, water companies and land owners all have separate responsibilities and powers in this respect (as tabled below):

<b>Environment Agency</b>	<b>Local Authorities</b>	<b>Water Co.</b>
<ul style="list-style-type: none"> <li>▪ Supervisory duty over flood defence</li> <li>▪ Statutory planning consultee</li> </ul>	<ul style="list-style-type: none"> <li>▪ Surface drainage from roads and public spaces</li> <li>▪ Development planning control</li> </ul>	<ul style="list-style-type: none"> <li>▪ Statutory duty to deal with foul water and storm water from customers</li> </ul>

From: Urban Flooding, Parliamentary Office of Science No. 289 and Technology July 2007

- 7.5.7 In response to these and other concerns precipitated by the flooding that occurred in 2007, the Government commissioned Sir Michael Pitt to review what lessons could

be learnt. The review drew a number of conclusions and made a number of recommendations which impact on the role of Local Authorities in assessing and managing local flood risks.

7.5.8 Most importantly the review established the need for Surface Water Management Plans (SWMP): a framework for local partners with responsibility for surface water to work together to minimize the risk of future flooding. The review stipulates that Local Authorities are to lead and coordinate the development of SWMP's. This will include:

- to map and assess water flows
- to create delivery plans that clarifies responsibilities
- to influence local policy so that new developments are not in high risk flood areas and that use is made of sustainable drainage.

7.5.9 In the context of this feasibility report, SWMP's are important as it is recommended that they should guide and inform the Local Authority Core Strategy (UDP) which is the overarching planning guide for the borough. When fully implemented (they are currently still under consultation), SWMP may influence more localised planning decisions.

7.5.10 Planning Policy Statement 25 requires local authorities to carry out Strategic Flood Risk Assessments (SFRA) to assist with their local planning policies and planning decisions. Haringey's SFRA was developed jointly with other neighbouring boroughs and in consultation with the Environment Agency and was approved in 2008.

## **7.6 Action taken at the regional level**

7.6.1 A number of developments have also been initiated at the regional level to raise awareness of the problems associated with the loss of front gardens. This section highlights key developments which have been taken to stem the rate at which front gardens are being lost and the steps taken to promote the positive contribution that front gardens can make to London's biodiversity and wider ecosystem.

### Greater London Assembly – Crazy Paving

7.6.2 The scale of the potential loss of front gardens across the capital prompted an inquiry by the Environment Committee of the Greater London Assembly. The Committee conducted a detailed investigation of the nature and scale of the loss of front gardens across the capital, and made a number of recommendations in its final report entitled *Crazy Paving*.<sup>1</sup>

7.6.3 The Committee highlighted the extent of the loss of front gardens and the impact that this was having on London's ecosystem, particularly an increased susceptibility to flooding. The Committee also highlighted the need to balance the rights of individual property owners to determine what they can do with their own properties with the cumulative impact that such development activities may have in their own communities and across London as a whole.

7.6.4 The report identified a number of key developments to ensure that the green space represented by front gardens is preserved and to minimise the potential risks associated with their demise. These are summarised below:

1. **Improve knowledge and understanding** - more detailed analysis of the extent to which hard surfacing has replaced front (and rear) gardens and to fully assess the impact that this has across the capital.
2. **Improve awareness** – more should be done to promote the environmental importance of front gardens, the alternatives to hard surfacing and compliance with local planning regulations.
3. **Regional coordination (lead)** – Mayoralty should take a lead through acknowledging biodiversity of resources of gardens in the London Plan and develop strategies for their protection and promotion among London boroughs.
4. **Improve planning controls** - Amend planning controls so that these acknowledge the cumulative impact of the loss of front gardens.

7.6.5 The report highlighted that developing public awareness is of critical importance to help reduce the rate at which front gardens are being lost to new development. The GLA report precipitated considerable media attention during its investigation (2005/6) and has influenced regional planning guidance (7.6.6). It is understood that the GLA Members may also be keen to develop this work further and this issue may be revisited at a later point this year (2009/10).

#### London Plan

7.6.6 The London Plan is the name given to the Mayor's spatial development strategy. It is an integrated social, economic and environmental framework for the future development of London over the next 15 years. It provides a broad framework for how land is used, managed and developed. It is of importance to London boroughs as local development plans (Unitary Development Plans) must be in 'general conformity' to the London Plan.

7.6.7 Subsequent to the publication of the GLA report on the paving over front gardens (Crazy Paving), the London Plan was amended to include new guidance on the management of surface water in urban areas. Once again, responsibility is placed on the Local Authority for ensuring that surface water run-off is managed as close to its origin as possible to minimise cumulative flows and reduce flood risk.

7.6.8 The London Plan encourages the development of sustainable urban drainage systems where developments should seek to manage as much run-off as possible on site. More specifically, Policy 4a14 makes specific reference to the role of London's front gardens in helping to maintain sustainable drainage systems:

*'London Boroughs should encourage the retention of soft landscaping in front gardens and other means of reducing , or at least not increasing the amount of hard standing associated with existing homes.'*<sup>12</sup>

7.6.9 It should be noted however, that planning controls originating at the regional level through the London Plan are primarily focussed on new developments and not to existing homes. Similarly, the London Plan can only 'encourage' but cannot 'enforce' the retention of soft landscape in front gardens.

#### London Biodiversity Action Plan

7.6.10 The London Biodiversity Action Plan is an important environmental document which

sets out how at-risk habitats and species can be preserved across London.<sup>13</sup> It is one of nine regional Biodiversity action Plans which make up the UK response to the Rio Convention. A number of environmental organisations (e.g. London Wildlife Trust, Wild London) make up the London Biodiversity Partnership which is charged with the delivery of the London Biodiversity Action Plan.

7.6.11 There are 14 at-risk habitats which are the focus of the London Biodiversity Action Plan which include canals, chalk-land, heath-land and rivers. London's private gardens are also recorded as an at-risk habitat and have a distinct action plan for their retention and for maximising their use for wildlife and providing greater biodiversity across the capital.<sup>14</sup> The key elements of this plan are to:

- digitally assess the space of private gardens in the capital
- identify strategies to discourage building in private gardens
- promote initiatives to increase biodiversity in private gardens.

7.6.12 Whilst many of the component objectives of the private garden action plan have been completed, the full programme of activities is not scheduled to conclude until the end of 2009. It is expected that a final report will summarise the outcomes of this work and which could inform local work in this area.

## 7.7 Action taken in Haringey

### Greenest Borough Strategy

7.7.1 The Council's Greenest Borough Strategy was established in 2008 and acknowledged the impact that climate change may have on the local environment. The strategy sets out seven priorities for tackling climate change, including improving the urban environment and protecting the natural environment.<sup>15</sup> A further key priority is to improve sustainable travel to help reduce local reliance on cars for transport, which can ultimately reduce the incentive to create off-street parking.

### Unitary Development Plan (UDP) & Supplementary Planning Guidance (SPG)

7.7.2 Haringey's planning policy framework is set out in the Unitary Development Plan (UDP) which was adopted in 2006. The UDP is a statutory document which relates the Council's plans for the development use of land and buildings for the whole borough. The plan contains a set of policies on housing, jobs, leisure, transport education and health and these policies are used to help decide whether to allow or refuse planning applications.

7.7.3 The UDP is accompanied by supplementary planning guidance (SPG) on particular areas of importance which provide more detailed planning guidance. SPG is considered in relevant planning decisions. SPG1b *Parking in Front Gardens (2003)* and SPG7a *Vehicle and Pedestrian Movement (2003)* although published in draft form, provide guidance on the regulatory and planning framework for property owners wishing to install a crossover and pave over their front garden in Haringey.

7.7.4 SPG1b *Parking in Front Gardens* provides guidance to property owners wishing to pave over their front gardens for off-street parking. The guidance outlines cases where planning permission is required, the special consideration that should be applied to trees, offers design considerations and recommends hard surface materials that should preferably be used.

7.7.5 Although the draft guidance contained in SPG1b *Parking in Front Gardens* acknowledges that planning permission may not be necessary in all cases, the guidance reiterates that:

*'Creating a parking space is generally unacceptable and will not normally receive planning permission. Where planning permission is granted it will be conditional on approximately 50% of the area being soft landscaped as garden.'*

7.7.6 The SPG sets out the occasions, under the national planning framework, where the property owner is required to obtain planning permission to pave over a front garden. These are:

1. *where the dwelling is made up of flats*
2. *removal of a wall higher than 1m in a Conservation Area*
3. *a building is listed*
4. *access is needed to a classified road*

7.7.7 Where planning permission has been required for the construction of a pavement crossover, local data would suggest that the majority of such applications have been refused. Acknowledging the limitations of such 'snapshot data', in an eight month period in 2007, out of 31 planning applications for pavement crossovers considered; 18 were refused, 6 were granted and a further 7 were pending a final decision.

#### Authorisation of Crossovers

7.7.8 Property owners wishing to develop off-street parking in their front gardens will need to install a crossover (dropped kerb) to enable safe vehicular access between the highway and the garden (as required by the Highways Act 1980). Planning permission is not always required for the installation of a crossover, though these need to be authorised and installed by the Local Authority. Specific guidance is provided in SPG7a *Vehicle and Pedestrian Movement* as to when planning permission is required.

7.7.9 Where the proposed crossover does not relate to a listed building, does not lead on to a classified road, is not in a Conservation Area and is for a single household dwelling, it is usually allowed as General Permitted Development (Town and Country Planning Order 1995) and planning permission is not required (see 7.5.2). The Council tightened up its approval process in 2007 and produced additional vehicle crossover guidance through its website and publications which provide additional information on planning consent (see 7.7.5), construction, surfacing and required minimum conditions.

7.7.10 Those property owners wishing to install a crossover must pay an application fee (£50) and an installation fee dependent on the scale of the crossover required (between £570 - £1,250). The Council has the power to refuse applications on safety and traffic grounds. Additional restrictions (and costs) are in place for those property owners wishing to develop a crossover in a CPZ. All property owners wishing to install a crossover must also be able to provide minimum hard standing requirements before a crossover can be authorised

- Vehicles must be parked at 90 degrees to the property
- Forecourts must be a minimum of 4.8m deep and 2.4m wide
- Removal of soft gardens must be kept to a minimum

7.7.11 Written guidance provided by the Council for crossover applicants clearly states that

the property owner is responsible for effective drainage of surface water and for ensuring that this does not drain on to the highway. Failure to plan for adequate surface water drainage within the curtilage can lead to the crossover application being rejected. In addition, guidance also indicates that in installing crossovers, hard surfacing should be kept to minimum to preserve soft garden where practicable. This should restrict the likelihood of run-off accumulating and minimise local flood risk.

#### Conservation Areas

7.7.12 There are 29 conservation areas in Haringey. These are areas which are of local architectural or historical importance or for which it has been agreed to retain the character or appearance. The distribution of these Conservation Areas across Haringey is illustrated in Figure 5. Conservation Areas are subject to additional planning controls which can include alterations to property and curtilage.

7.7.13 Even in Conservation Areas, planning permission may not always be required (or withheld) for developments including off-street parking or the installation of crossovers. The Council does have additional powers (Article 4 Directions) to specify controls to more minor developments within Conservation Areas such as alterations to doors and windows or creation of car parking spaces at the front of a property.

7.7.14 Article 4 Directions are issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened (generally Conservation Areas). There are currently four areas with Article 4 Directions in place in Haringey: Rookfield, Tower Gardens, Noel Park and Peabody Cottage. Whilst Article 4 Directions can be applied outside Conservation Areas, these will need to be authorised by the Secretary of State.

#### Enforcement

7.7.15 Studies undertaken in 2004 in other Local Authorities suggest that the rate of illegal crossovers may be in excess of 10%.<sup>4</sup> Given that there have been additional restrictions placed on their authorisation since this time, it would be logical to assume that the current rate of illegal constructions may even be higher.

7.7.16 Research undertaken in Ealing in respect of enforcement issues pertaining to the illegal construction of off-street parking or crossovers found that there was little enforcement in this borough in respect of where:<sup>4</sup>

- planning permission was turned down
- front gardens hard surfaced and no crossover
- there was illegal construction of crossovers.

7.7.17 Local Authorities do have enforcement powers where illegal crossovers are identified including the installation of barriers and ultimately legal redress. This same study found however, that there were a number of factors which inhibited enforcement action in respect of illegal construction of crossovers. These were identified as:<sup>4</sup>

- no system process to identify illegal crossovers
- poor communication between departments
- the cost of legal actions to support enforcement

- lack of resources.

7.7.18 A systematic enforcement regime would appear to be in place in Haringey where all public highways are routinely inspected for unauthorised development, such as crossovers. Within this regime, all roads are routinely inspected: principal roads (A roads) are inspected every month and non-principal roads (all other roads) twice per annum. All identified illegal developments are issued with an enforcement notice requiring their compliance with local crossover regulations. Non compliance with the enforcement notice within the specified time period may result in the installation of a barrier (to protect the highway) or further legal action.

#### Greening Your Home

7.7.19 This is one of a number of initiatives the Council has undertaken to help property owners improve their immediate local environment. The Council Planning Service has produced advice (Greening Your Home) for property owners on how to improve their homes to make them greener, healthier and more comfortable places to live.<sup>16</sup> It contains specific guidance on how to minimise the environmental impact of introducing off-street parking, preserve front gardens and promote biodiversity. It also alerts property owners to planning and building controls that will need to be considered if they were developing off-street parking in their front gardens.

#### Haringey in Bloom

7.7.20 This annual competition has been running in Haringey for many years to recognise the efforts of individuals, businesses and community groups for brightening up the community through their gardening and horticultural efforts. Prizes are awarded for many categories, including best front garden. Haringey in Bloom is run in parallel with London in Bloom and finalists contribute towards the borough's submission to the London in Bloom competition and play a significant part in the overall judging.

7.7.21 To coincide with the launch of Haringey's Greenest Borough Strategy and to encourage gardeners to make the most of Haringey's green spaces and think about the ways in which they garden, the competition in 2009 is looking at whether the entry is an example of sustainable or wildlife gardening. Such initiatives can promote awareness of the value of front gardens and their contribution to local ecosystems. It is anticipated that such initiatives might forestall further encroachment of off-street parking developments into local green space.

#### What is happening in other Boroughs

7.7.22 It is apparent from the GLA inquiry into the paving over front gardens that many Local Authorities are taking a variety of different actions to reduce the rate at which front gardens being lost and to ameliorate the impact that this may have on the local environment. A summary of some of these interventions are described below:

1) *Ealing Local Agenda 21* – this was a holistic assessment of the nature of front garden loss in Ealing which has produced a wealth of local data to inform local policy making and regulation. It is widely considered as the most in depth piece of investigative research undertaken in this area and informed both local and regional policies.

2) *Westminster City Council* – have made a number of changes to their Unitary Development Plan with the intention of restricting planning authorisations for

crossovers and front garden development. This includes specification to a) resist the use of forecourts and gardens for parking b) encourage the removal of parking provision on forecourts or gardens where this improves the local townscape (i.e. removal GPD rights) c) restrictions on GPD rights to ensure that new developments provide authorised and integral off-street parking.

3) *Camden Council* - since 2001 the Council (engineering and traffic policy) has restricted the number of crossovers they have authorised each year to 40 and the UDP established four criteria to assess crossover applications (visual contribution to area, cumulative impact, ameliorating landscaping and safe and free flow of traffic).

4) *Hounslow Council Save it! Don't Pave it!* - the Council has produced a leaflet for property owners promoting the positive contribution that retaining their front gardens can bring. It spells out what the impact of paving over gardens has on local ecosystems and provides guidance on alternative materials which can be used for hard surfacing.

7.7.23 Data would suggest that there are wide variations in the numbers of planning applications received for crossovers across London boroughs. For example in the period 1999-2004 both Westminster Council (n=25) and Kensington & Chelsea (94) received fewer than 100 applications for planning permission to install pavement crossovers.<sup>1</sup> In outer London, perhaps where the urban fabric, housing stock and size of front gardens may be different, it would appear that there may be more applications: in this same period (1999-2004) Enfield received 3,487 applications, Bromley 4,587 and Brent 6,999. Haringey received 1,330 applications which is below the outer London average (5,603) for this period.<sup>1</sup>

7.7.24 Whilst there may be local variations in the way that crossovers and paving over front gardens is controlled and regulated, local policies evidently have to be grounded in planning law. What is clear however, is that some local Authorities are more successful at limiting development in front gardens and restricting the authorisation of crossovers than others.<sup>1</sup>

## 7.8 Conclusions and points of further discussion

### Key conclusions from the report

7.8.1 Large numbers of gardens have been fully or partially paved to accommodate off-street parking. The full scale of this conversion is difficult to assess, though in London it is likely that 85,000-100,000 gardens were paved between 2001 and 2006. In the 10 year period to 2008, it is likely that between 1,500 and 2,000 gardens may have been paved in Haringey.

7.8.2 The installation of off-street parking in front gardens can have serious implications for the local environment including increased flood risk, higher levels of pollution, loss of biodiversity and a negative visual impact in the communities in which people live and work.

7.8.3 Interventions at national, regional and the local level would appear to have some effect in reducing the rate at which gardens may be lost to off-street parking. This in part is due to increased public awareness of this issue and more coordination action

on behalf of those agencies involved. The number of crossovers authorised in Haringey in 2008 (n=111) is the lowest for 10 years and continues on a downward trend.

- 7.8.4 Given the variance in the number of crossovers which are authorised by different Local Authorities, there are clearly different policies and processes in place across London. This would suggest that some Local Authorities are more effective than others at restricting the growth of crossovers and preserving front gardens. Whilst Haringey has seen a decline in the number of crossovers authorised, it would appear more could be learnt from other Local Authorities to help reduce this rate still further.
- 7.8.5 The introduction of Surface Water Management Plans establishes the Local Authority as the lead authority in assessing the flood risk and making necessary preparations to ensure that local plans are in place. It is expected that SWMPs will become highly influential within key local planning structures and frameworks (UDP and its replacement Core Strategy).
- 7.8.6 The prevalence of illegal crossovers and more recently, gardens paved over with impermeable materials is undocumented and thus remains unknown (locally and elsewhere). Studies in other London Local Authorities would suggest that illegal development may be as much as 10% of the total. Further regulation and rising costs associated with authorised development may have increased the rate of illegal development further still.
- 7.8.7 In Haringey however, it would appear that there is a systematic process for the identification of unauthorised crossovers where all roads are inspected for unauthorised development at least twice a year. This process is supported by a range of enforcement options including: notification, instalment of bollards and ultimately legal action.
- 7.8.8 Perhaps the most important conclusion draw from this report is that unauthorised development is inherently problematic and that enforcement options available may not be practical or inexpensive, particularly where these involve legal proceedings. Similarly, if a garden is already paved over for off-street parking, restorative action may also be impractical and costly. This would seem to suggest that the most effective way to deter further encroachment on front gardens and support enforcement process is to promote greater public awareness of planning regulations and to provide further education on the positive contribution that front gardens may bring to householders and the wider community.

## **7.9 Options for Overview & Scrutiny Involvement**

### Option #1 - full scrutiny review

- 7.9.1 It is clear that a review of paving over front gardens could possibly contribute to the Council's meeting one of its key priorities (making Haringey one of the greenest boroughs). Similarly, it is noted that a possible review could help the Council achieve one of the top priorities in the Council Plan for 2009/2010 which is 'improving our streets'.
- 7.9.2 There are a however, a number of factors which have been identified in this report which would suggest that there would be little value to scrutiny involvement in

investigating paving over front gardens at this current time. These can be summarised as thus:

- Amendments to the General Permitted Development which has placed further restrictions on paving over front gardens are relatively recent (Oct 2008) and further time may be needed to assess the full impact of these.
- Local data on the authorisation of crossovers would suggest that the rate at which front gardens may be being paved over for off-street parking is declining. Authorisations have fallen 58% in the period 2006-2008.
- A broad range of policy developments have been initiated at all levels (national, regional and local) which would have appeared to have increased public awareness and prompted local initiatives.

7.9.3 If a full scrutiny review was commissioned, this could not be undertaken until the 2010/2011 municipal year as the scrutiny work programme for 2009/2010 has already been agreed by the Committee.

Option #2 – Service report back to Overview & Scrutiny Committee

7.9.4 There may be a number of issues which the Committee may wish to receive further information. In this context the service(s) could be requested to provide a report to the Committee on the information requested. Further information which the Committee might request an update could include:

- An update on the impact of amendments to General Permitted Development rights and paving over front gardens/ numbers of crossovers authorised
- Measures to improve enforcement
- Measures to improve public awareness of new regulations and potential value of front gardens

7.9.5 If the Committee request the service to provide an update this would ideally be presented in mid 2010 to enable the relevant services to full assess the impact of recent policy developments and to confirm current trends in crossover authorisations in Haringey.

Option #3 - No further action

7.9.6 That the Committee note the report and that no further action is taken.

Recommended Option

7.9.7 Given that there are few substantive issues which would warrant a full scrutiny review at this time, this option (#1) is not recommended. Given the current downward rate at which crossovers are being authorised in Haringey, the Committee would probably be keen to receive an update from the service confirming this trend. It is therefore recommended that the Committee approve option #2, to receive an update from the service by June 2010.

**8. Chief Financial Officer Comments**

8.1 There are no financial implications directly arising from this report.

**9. Head of Legal Services Comments**

9.1 The legal implications are set out in the body of this report.

**10. Head of Procurement Comments** N/A**11. Consultation**

11.1 Representatives from (1) Policy Planning (2) Planning Enforcement (3) Sustainable Transport 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 as this report is to assess the potential contribution a review would have in this area. Should the Committee agree to commission a full scrutiny review, financial implications for the service will be assessed within initial scoping of the review and during the course of the review itself.

**13. Use of appendices /Tables and photographs**

Figure 1 – Proportion of gardens which are more than 75% paved by region in 2005 (from Gardening Matters, Royal Horticultural Society, 2005).

Figure 2 – The number of crossover applications granted by Haringey Council 1999-2008.

Figure 3 – Crossover applications, requested, received and approved by Haringey Council 2006-2008.

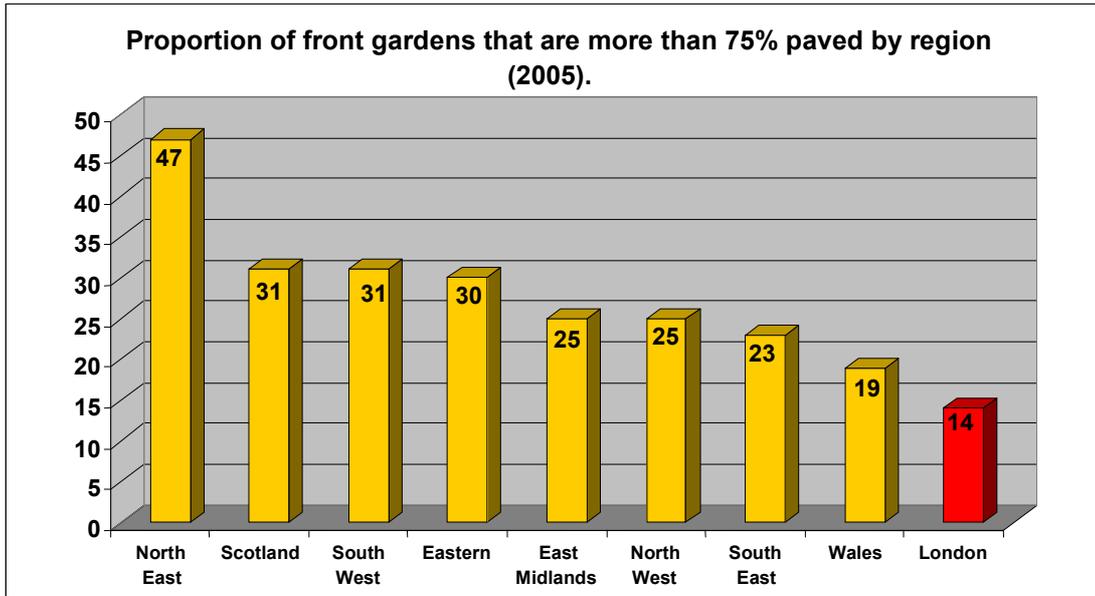
Figure 4 – Water run-off and percolation in rural, suburban and urban areas.

Figure 5 - Conservation Areas in Haringey.

**14. Local Government (Access to Information) Act 1985**

- Guidance on the permeable surfacing of front gardens DCLG, (2008)
- Urban flooding Parliamentary Office of Science No. 289 (July, 2007)
- Greening Your Home: Help the environment, save energy, water and money Haringey Council (2006)
- Parking in Front Gardens, SPG1b Haringey Council (Draft)
- Vehicle and Pedestrian Movement, SPG7a Haringey Council (Draft)
- Crazy Paving: The environmental importance of London's front gardens. GLA (2005)
- Gardening Matters, Royal Horticultural Society (2005)
- The environmental importance of front gardens D Alexander in Town & Country Planning (2005)
- London Plan; spatial development strategy for greater London Mayor of London
- Hard surfacing of font gardens Pene Healy Associates for Ealing Local Agenda 21 (2004)

**Figure 1 – Proportion of gardens which are more than 75% paved by region in 2005 (from Gardening Matters, Royal Horticultural Society, 2005).**



**Figure 2 –The number of crossover applications granted by Haringey Council 1999-2008.**

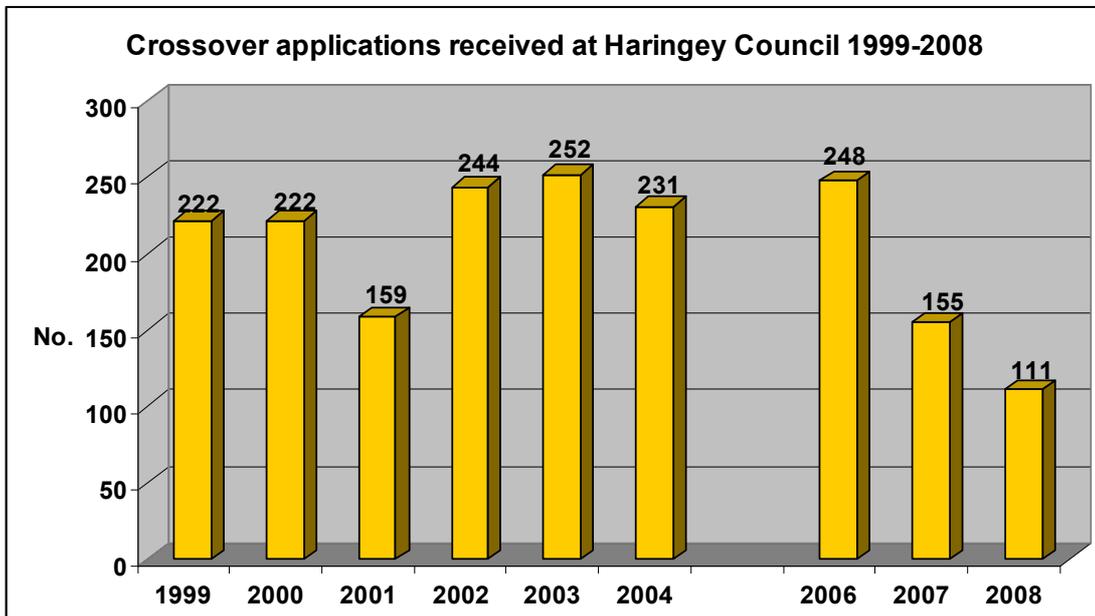


Figure 3 – Crossover applications, requested, received and approved by Haringey Council 2006-2008.

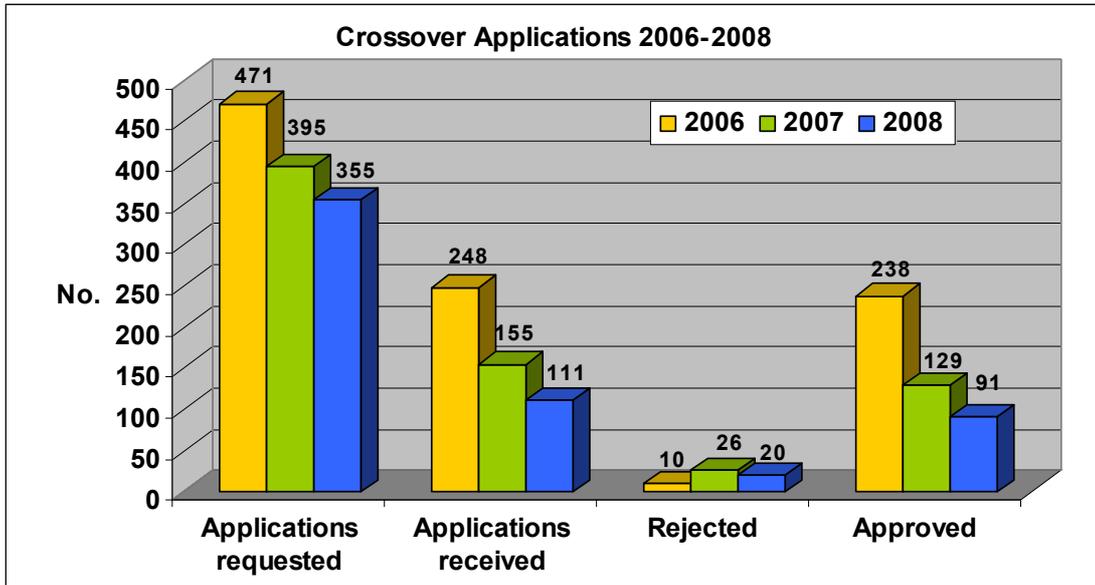


Figure 4 – Water run-off and percolation in rural, suburban and urban areas.

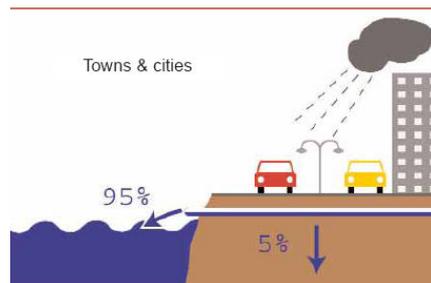
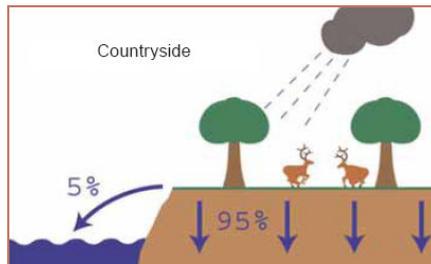
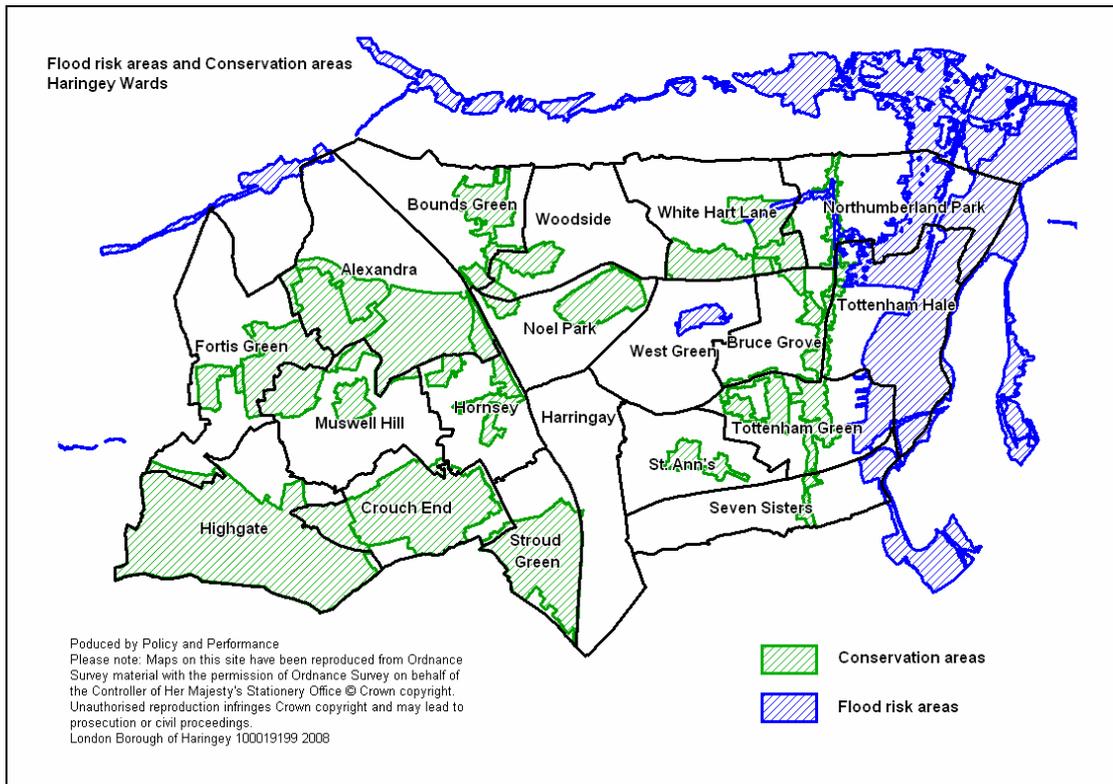


Figure 5 – Conservation areas and flood risk areas in Haringey.



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