

London Assembly Environment Committee

The environmental importance of London's front gardens

The following is a summary of parts of the London Assembly's environmental report of September 2005 on London's front gardens that are relevant to Epping Forest District. A copy of the full report is available for anyone wishing to see it. I have paraphrased in places in the interests of brevity.

Summary of recommendations.

1. The Mayor, in partnership with relevant stakeholders, should initiate an awareness-raising campaign to inform Londoners about the detrimental environmental impact of paving over front gardens, and to raise the profile of environmental sustainable alternatives to concrete and paving slabs.
2. Data
3. The revised London Plan should include consideration of the strategic importance of London's gardens as crucial environmental resources, wildlife habitat, amenity resource and flood protection system. It should set objectives for the promotion and protection of the large area of green space that is made up by front gardens.
4. The next Liveable London conference should host a seminar to share knowledge and experience using planning, transport and other policies to manage the numbers of new pavement cross-overs, enforce the law in relation to illegal cross-overs, take account of the likely impact on front gardens when introducing parking restrictions, and more generally promote the environmental significance of front gardens
5. We recommend that the Government amend the Town and Country Planning (General Permitted Development) Order 1995, to enable local authorities to require planning applications to be submitted for all proposals to install Pavement cross-overs.

1. Introduction

.....private gardens are a crucial component of London's ecosystem and, perhaps most significantly, in the city's ability to absorb rainfall. Whatever rain is not absorbed by the ground will run off into the underground drains, putting additional pressure on our already creaking Victorian sewerage and drainage system.

Parking bays in London's front gardens add up to an area of approximately 12 sq. miles.

- 1.5A better balance must be struck between the rights of individuals to do as they see fit with their property, and the need to protect the environment and minimise flooding risk. parking policies should more

effectively take into account the impact of controlled parking zones on the rate at which front gardens are turned into parking bays.

2. Why front gardens matter

- 2.4The Wildlife Trust states that the increased run-off from an impermeable surface such as concrete can be as much as three times greater than the run-off from porous surfaces.
- 2.5 ...the loss of green front gardens is having an impact on biodiversity, especially when the removal of hedges, trees and verges to make way for driveways is taken into consideration.
- 2.6the conversion of front gardens to driveways, especially in cases where the entire area in front of a house is paved over, can dramatically reduce the attractiveness of an area. The ODPM-commissioned review of permitted development rights, published in September 2003, noted that, ‘demolition of front garden walls to leave lengthy gaps for car parking and the loss of green areas harm the character of conservation areas and other areas, as well as reducing on-street parking’. The report goes on to state that, ‘where one or two adjoining properties remove front walls, this can cause an unsightly gap and begin to lower the general character and quality of a street and encourage others to follow’.
- 2.7 Streets without trees, hedges or other greenery are more noisy, windy and dusty. This makes for a much less pleasant living environment for residents.....
- 2.8 The Royal Horticultural Society has pointed out that if all front gardens are paved over not only does it make the road effectively wider, but it looks unattractive and can result in increased traffic speeds. One authority analysed traffic accidents and a high proportion involve vehicles emerging or reversing from private driveways or access points. ‘It is well-known that most traffic accidents do occur at junctions. What you are actually creating along the road is a series of mini-junctions when you put these in’.
- 2.9 Residents in streets with driveways instead of gardens will also suffer from a loss of on-street parking. ‘You are probably losing one-and-a-half spaces on the street, just to get one vehicle off the street’. The process can quickly become self-perpetuating: loss of on-street parking leads to more driveways being created, which leads to further loss of on-street parking...’ One resident stated ‘the use of gardens for parking is effectively giving the owner exclusive use of the road space outside the property because nobody can park there and the Council often put yellow lines to stop parking.

3. Why people pave over their front gardens

The loss of front gardens is linked to the availability of public transport, which impacts on car ownership and usage; availability of on-street parking;

the premium placed on off-street parking; and the trend towards low-maintenance, minimalist front gardens.

The proportion of households owning two or more cars has risen from 6% to 28% since the sixties (less in central London).

In controlled parking, a resident's parking permit does not guarantee a parking space near your home. Far from it – it is apparently common practice for Boroughs to over-issue parking permits. For example Kensington and Chelsea has about 40,000 permit holders for 27,000 spaces. Given that there is only a finite amount of road space the only way in the long term to reduce the pressure on parking spaces will be to reduce car ownership per household, which will only happen as and when public transport becomes a reliable alternative. ...there is work to be done by local authorities to ensure that their parking policies effectively take into account and plan for the impact of parking restrictions on the rate at which homeowners will seek to convert their front gardens into driveways.

In areas where there is significant pressure on on-street parking spaces, off-street parking is highly desirable for car owners.the value of a property on roads with no on-street parking (double yellow lines) could be increased by 15-20% by the addition of off-street parking, and the value of properties on roads with on-road parking could be increased by 5-7%; however once all the houses in the street have paved over their front gardens the reverse and the value of all the properties may be reduced because of the reduction in the attractiveness of the streetscape.

Another factor is the average discount on insurance premiums for off-street parking amounting to 5-10% because of the reduced risk of a car being hit by moving vehicles and a perceived reduction in vandalism.

People are not just paving over their gardens so they can park in their drive. They are also doing it for convenience. A 'minimalist' garden is seen by some as a statement of their style and sophistication. It may also be less time-consuming to maintain which is a priority for busy people not interested in gardening.

4. Can and should anything be done?

....there is clearly a balance to be struck between the rights of individuals to do as they see fit with their own property and the need to protect green spaces and to increase resilience against flooding.

There should be three elements to the strategy:

- a. Heightened public awareness of the cumulative environmental impact of impermeable surfacing, and promotion of less environmentally damaging alternatives, and support for those wishing to remove hard surfacing in their front gardens.
- b. Recognition in planning policies of the strategic importance of promoting and protecting the environmental importance of front gardens.

- c. Changes to planning regulations to enable local authorities to manage more effectively the protection of front gardens, if they wish to do so. There is a need for greater awareness in local authorities of the tools that already exist for managing the proliferation of cross-overs and new driveways, and effective use of those tools where local authorities wish to limit the spread of concrete front gardens.

Raising public awareness

Authorities can do more to promote awareness and do more to educate the public on how to minimise the impact through alternative surfaces to concrete.

- 4.4 Market Opinion and Research suggests that people do feel their little bit can make a difference, contrary to what might have been the attitude ‘there is no point in not paving my front garden, because it is not going to make any difference, because everybody else does’.
- 4.5 So what are the alternatives to paving slabs and concrete? They include:
 - a. Gravel, which costs £20 - £5 per sq.m;
 - b. Pavers with in-built vertical drainage channels (thus reducing run-off), which cost £50 - £60 per sq.m;
 - c. Slabs made from recycled plastic, gravel and crushed glass, which cost £70 - £125 per sq.m.;
 - d. Netpave, a synthetic net placed on areas of grass to prevent erosion through pedestrian and light vehicle traffic – Netpave 25, for light traffic, costs £15 per sq.m. and Netpave 50, the heavy-duty version which requires more arduous site preparation.
- 4.6 These alternatives are porous and should be promoted; however this will only address drainage issues and not serve to protect the character of the street or the greenery of front gardens.
- 4.7 A campaign along the lines of Britain in Bloom could be promoted by the authority to heighten awareness of the importance of front gardens to the street scene.
- 4.11 There is nothing in planning or any other law to prevent a homeowner from covering their front garden with concrete or any other surface. Nor should there be – it is for individuals to decide what to do with their own gardens. Local authorities do have some (albeit limited and difficult to enforce) powers under planning law and regulations and can use parking control policies to manage the numbers of new driveways that are installed. These powers seem to be the only available options for local authorities wishing to implement policies to promote and protect front gardens. The powers are complex and difficult and resource-intensive to enforce, which significantly detracts from a local authority’s ability to pursue policies to manage the numbers of new driveways that are created.

Permitted development rights

- 4.12 It is a legal requirement that anyone who wishes to use their front garden as a driveway must install a pavement cross-over at the point where the vehicles will cross the pavement. This involves the installation of a drop in the kerb. Outside conservation areas, the installation of a pavement cross-over in front of a single dwelling house is what is known as a permitted development – there is no need to apply for planning permission because it is deemed automatically to be granted.
- 4.13 Permitted development rights can be suspended by local authorities, using what is known as Article 4 Direction, which has the effect of suspending permitted development rights so that minor developments such as pavement cross-overs are subject to planning controls and require planning permission. Article 4 Directions are almost exclusively used in conservation areas, because they are expensive and difficult to enforce in non-conservation areas. Even within conservation areas, there are several factors which prevent widespread or effective use of Article 4 Directions to limit the number of cross-over applications that are granted, not least that the article provides for compensation to be paid to occupants.
- 4.14 Outside conservation areas, permitted development rights are in place for single-dwelling houses, so that the power of local authorities to limit the numbers of new driveways using planning law is effectively limited to houses of multiple-occupancy (ie flats or houses converted into flats).
- 4.15 Some authorities have extended such policies beyond the boundaries of conservation areas under the aegis of their unitary development plans. The City of Westminster has the following policies in its draft development plan:
- (A) The use of private forecourts or front gardens for parking vehicles will be resisted unless arranged as part of an approved overall development proposal or else within a comprehensive scheme of environmental traffic management or street scene enhancement.
 - (B) The City Council will encourage the removal of such parking provision from front gardens or shop frontages or forecourts where it currently exists and will seek to remove permitted development rights for such minor operations where the quality of the local landscape or street scene justifies such action.
 - (C) In the interests of maintaining the good appearance of new development and preventing loss of existing on-street parking provision, the Council may impose conditions to withdraw permitted development rights and to secure the permanent retention of authorised and integral off-street parking provision.
- 4.16 Camden sets out the following conditions when looking at planning application for the development of forecourt parking:
- a. The contribution which the existing forecourt or garden, and its means of enclosure, makes to the visual appearance of the area;
 - b. The cumulative visual impact of any existing roadside and / or forecourt and front garden parking in the area;

- c. The nature and extent of any landscaping, surfacing or other ameliorative workdss which may be proposed to off-set any adverse visual impact;
- d. The likely implications for the safe and fre flow of traffic on the highway network.

4.17 Camden also has criteria against which cross-overs applications will be assessed. There must be at least 4.8 metres between the front of the house and the back of the pavement; sight lines must be unobstructed from, for instance, trees and where a proposed cross-over is located within a current Controlled Parking Zone (CPZ) or an area which the Council has formally agreed will become a CPZ, the application will not be approved ifit requires any amendments to the CPZ that are detrimental to the acheme in Traffic/Parking management terms.

4.18 Such policies have to be based in the context of planning law, and authorities are therefore limited in the range of reasons they may cite for refusing planning permission for new cross-overs. The provision of the Highways Act for new cross-overs are;

- a. Prevention of damage to the footway;
- b. Safe access to and egress from premises; and
- c. The need to facilitate the passage of vehicular traffic on the highway

These provisions have been extended by case law where it was agreed that this list was not exclusive and that other considerations could be taken into account eg substantial gain as a result of one access point creating several spaces.

4.21 Since 2003 London local authorities have been empowered to take action against those who illegally cross the pavement in the absence of an authorised cross-over. This is a fairly lengthy procedure, including giving people notice and giving them the right to appeal against that notice, but the end product is if no other agreement or action is taken, councils can take physical steps to stop an unauthorised cross-over being used.

4.22 Prior to this legislation coming into force, and since, there has been minimal enforcement of laws against illegal cross-overs. The new powers have not been used much so far , because it takes time, and the end part is relatively draconian by making it at the occupiers expense. The cost of taking legal action is the main reason and a secondary one is lack of resources. The view is that it is not worth taking the risk on something that is likely to be overturned by a court or where the fine is derisory.

4.25 The power of local authorities to implement these policies is significantly restricted by the fact that for single-dwelling buildings, pavement cross-overs are a permitted development. This means that they may only apply their policies to planning applications that do not fall into this category.