# Planning New Garden Space

Ealing
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Supplementary Planning Document
Adopted 9th June 2015

# Background

### What is the Scope and Purpose of this document?

Urban domestic gardens represent a significant component of the boroughs urban landscape, and make a real contribution to its character, through shaping local pattern and grain. Nationally they can contribute from 22-27% of the total urban area in many cities, and can represent nearly half of all urban green space.

Where space is well planned this can add considerably to the quality of the place, enhancing its character, and making the borough an attractive place to live. Gardens also have a wide range of environmental benefits too and when appropriately designed can help control urban temperatures and act as a carbon sink. Through intercepting rain, and slowing runoff, gardens can also help to prevent flooding. Gardens often provide important habitats for wildlife and improve human health both psychologically and physically, providing space for play and recreation.

Despite this recognition, securing sufficient and quality provision can be challenging. Far too often new provision is poorly designed and as a result is underutilised. Moreover where the right amount and quality of provision is achieved this can sometimes be at the expense of securing other important forms of open space.

Pressure for new housing and other development can also mean that existing garden provision is threatened/compromised by inappropriate development. This may take a number of forms including extensions to existing properties encroaching onto existing garden areas, or the subdivision of existing gardens to accommodate new residential units. The later often referred to as 'Garden Grabbing' has been the focus of considerable attention of late.

The policies in the Local Plan which this supplementary planning document (SPD) supplements seek to secure sufficient and quality provision of garden space. Whilst the SPD is primarily written to guide new garden provision triggered by development, the principles established in this guidance, and the standards set through policy, apply equally when determining the acceptability of proposals which impact on existing provision, either directly in terms of the loss of space, or indirectly through altering the quality/value of that space.

This SPD mainly serves to amplify the provisions relating to garden development that are set out in other documents, principally the Ealing Development Management Development Plan Document (DM DPD) and London Housing supplementary planning guidance (SPG).

Whilst the document primarily focuses on residential garden space, it recognises the relationship with other forms of open space, including public

space, and accordingly it provides guidance on how these space types should interface.

For the purpose of interpreting this guidance 'garden' means any land within the curtilage of a building, the principle use of which is residential, which is reserved for the use of occupants and the public is generally excluded.

Under this definition gardens can take on a number of forms reflecting the setting and nature of the residential use they serve. This might include private rear gardens reserved exclusively for the occupants, or communal space, shared by the numerous properties, but excluded from public access. This space might be provided on the ground floor or at higher levels through balconies, winter gardens, terraces or roof gardens. Throughout the guidance a distinction is also made between 'useable' space which is visually separate and screened from the public and counts towards the quantitative standards in policy 7D, and more exposed areas, such as front gardens which don't contribute to the quantitative standards but are nonetheless still significant in contributing to the setting of the development.

## What is the status and material weight of this document?

This SPD will form part of Ealing's Local Plan and it supplements the policies contained within Ealing's Development Strategy, Development Sites and Development Management DPDs which, together with the London Plan (2015), form the Development Plan for the borough.

This SPD does not introduce new policies or requirements but rather assists in the interpretation and application of existing policies, and should help applicants make successful applications. This guidance will therefore be a material consideration for decisions on planning applications.

It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on the preparation of supplementary planning documents.

## Has the document been the subject of a Sustainability Appraisal/Strategic Environmental Assessment?

Sustainability appraisal is not required for supplementary planning documents but the Council must still consider whether there is a requirement for a strategic environmental assessment and a habitats regulations assessment. In this instance the SPD is intended to inform the implementation of an up-to-date policy in a higher-level plan, and that plan has itself been the subject of sustainability appraisal which incorporates the requirements of strategic environmental assessment. The SPD does not introduce new policy or modify the existing policies, and therefore is unlikely to give rise to significant environmental effects.

Similarly, having regard to the role of the SPD and the habitats regulations assessment already carried out in connection with the Development Strategy,

neither does the Council consider that the subject SPD is likely to have a significant effect on any European site.

## What is the Policy Context?

The provision of gardens as part of residential development responds directly to three Development Management DPD policies[1];

**Policy 7D Open Space**; which sets out the quantity and type of open space that needs to be provided

**LV 7.4 Local Character**; which describes how local pattern and grain should be reflected in site layout and coverage

**Policy 7B Design**; which sets out amenity considerations such as daylight and privacy that may affect the layout of garden space

These policies apply to all new housing units whether new build or the result of conversions or subdivisions.

The guidance outlined in this document should also be read alongside the Mayor of London's Housing Supplementary Planning Guidance (SPG)[2].

[1] These policies together with their accompanying notes can be read in full in the adopted Development Management DPD at http://www.ealing.gov.uk/downloads/download/2750/adoption_of_dpds

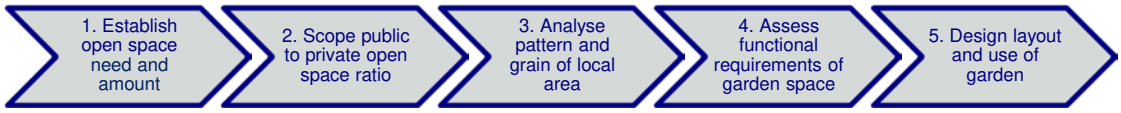
[2] http://www.london.gov.uk/priorities/planning/publications/housing-supplementary-planning-guidance

# Guidance

## 1 The Proposed Approach

The extent, shape and layout of residential garden spaces is a function of all three of these policies, not just the minimum standards in Policy 7D. Instead, the form of garden space provided in developments is a component of their overall approach to design including considerations of privacy, design and daylight or sunlight.

In understanding the requirement of a given site for garden space it may be helpful to use the following design process;




1. Establish open space need and amount
   Determine the policy requirements for open space provision, including garden space, in the development as set out in DM DPD table 7D.2 based upon the number and type of proposed dwellings. Only garden space which is fit for purpose, genuinely private, screened from roads and not permanently overshadowed will count towards meeting the quantitative standards in this policy. Whilst front gardens are typically excluded when undertaking such calculations, they do make a significant contribution to the setting of the development.

   Area requirements for Public Open Space, Allotments, Children's Play Space and Active Recreation should be determined based on occupancy levels. Occupancy levels can be calculated using the GLA's Population Yield Calculator[3], and the child yield calculator outlined in the Mayor's SPG 'Play and Informal Recreation SPG'[4].

2. Scope public to private open space ratio
   Determine the current need for different types of open space in the area. See note and figure 1 below.

3. Analyse pattern and grain of local area
   Assess the layout of open spaces and buildings in the immediate area of the proposed development including the degree of site coverage by built structures and green space, and the separation between buildings. London Plan policy 7.4 and our local variation requires development to have regard to the form, function and structure of areas, places and

[3] See http://data.london.gov.uk/dataset/population-yield-calculator
[4] See https://www.london.gov.uk/priorities/planning/publications/shaping-neighbourhoods-play-and-informal-recreation-spg

streets. Gardens can clearly be very much part of this form, function and structure, and their provision and design should respect and contribute to this context. In order to establish a local context a site based assessment will be necessary, which might as a starting point take the general density typologies outlined in local variation to policy 3.4.

4. Assess functional requirements of garden space
   Understand the extent to which garden space will be necessary to fulfil functional requirements such as privacy, or day lighting and sun lighting requirements.

5. Design layout and use of garden
   Using all of the above information, design a garden space that best complements the functional needs of the proposed dwellings and any strong or positive elements of local character.

It should be noted that whilst described as a linear process, in practice the sequence of stages might vary, with some stages overlapping and others being revisited.

**Interface with the London Housing SPG Private Outdoor Space**

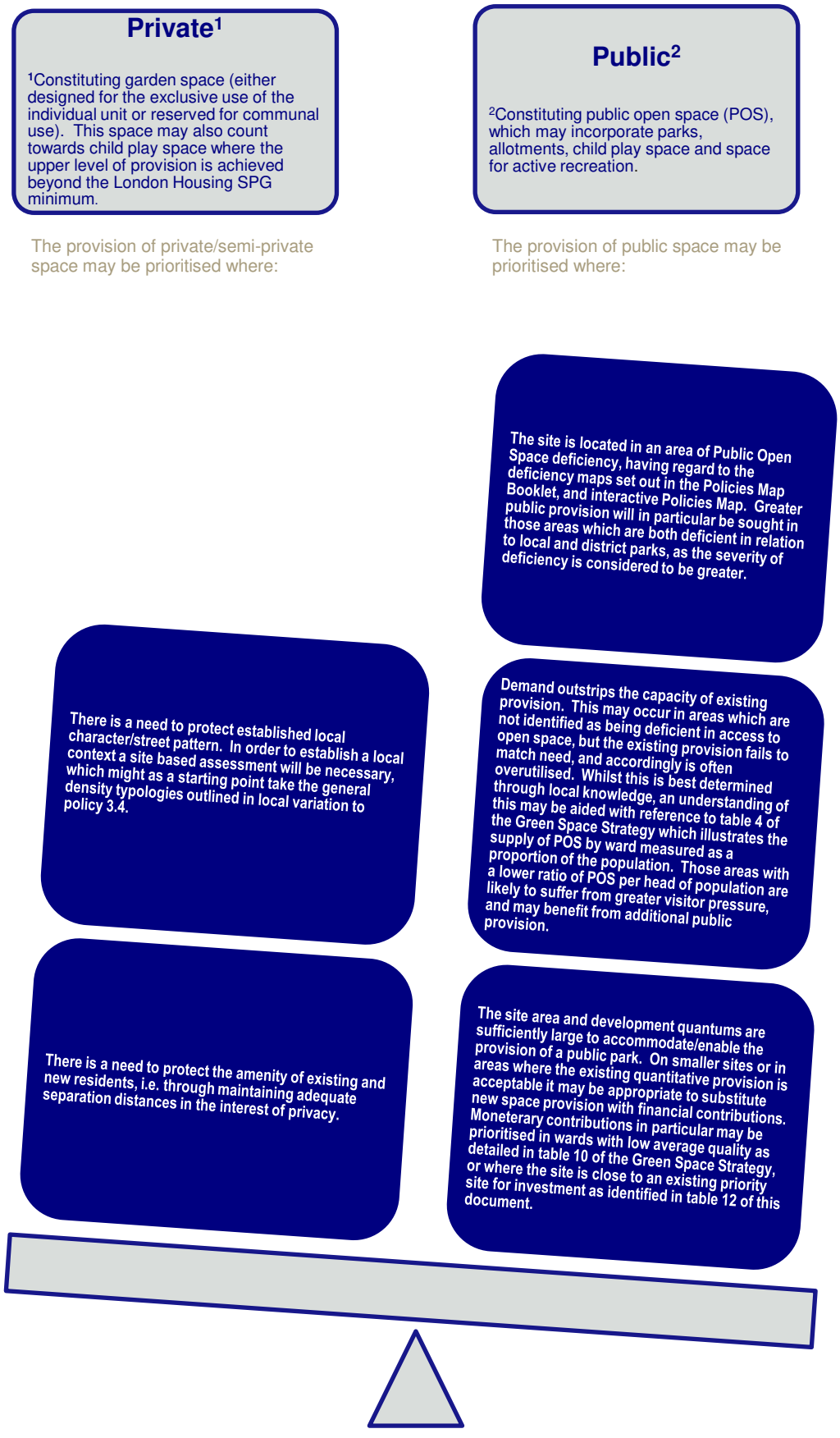
All new housing is required by the London Housing SPG to provide a minimum of 5 sq. m. of private outdoor space for 1-2 bedroom units and an extra 1 sq. m. for each additional occupant (Housing SPG Standard 4.10.1). This is a minimum standard and will be required of all residential development. Typically this will be supplemented by additional space, which can take the form of either additional garden space (private or communal), and/or public open space (incorporating child play space, allotments or space for active recreation). In certain circumstances it may be appropriate and preferable to secure a financial contribution in place of space provision. A choice therefore exists in terms of the form that this provision takes which will need to be determined having regard to the specific circumstances of a case and its context.

### Scoping public to private open space ratio

As noted above, with regard to any supplementary provision this can take a variety of different forms, and should respond to the specific needs of the site and context. The diagram overleaf outlines the key determinants which should inform applicants in prioritising the form that this space takes, and specifically the balance between private and public space.

It should be noted that the diagram is for illustrative purposes only and is not intended to convey that public open space should necessarily take priority over private space. This is a matter which will be judged on a case by case basis having regard to the specific circumstances of the case, its context and the Council's spatial priorities in terms of future provision.

Figure 1 – Determining the ratio between Private and Public space



Where the provision of public space is prioritised over private/semi-private space, with garden space constituting a smaller element of the overall open space provision, Permitted Development rights will usually be removed by condition.

As noted above and in policy 7D where public provision is proposed, this can take various forms, including public park land, allotments, nature reserves, child play space or formal space for active recreation. Whilst policy 7D sets individual quantitative standards for each of these open space functions, the policy importantly recognises the potential for space to be multi-functional, and accordingly it is not intended that these standards be applied in isolation or calculated in addition to one another. For example if public open space is designed to be genuinely playable this may substitute the need for additional child space. Similarly the provision of outdoor space for sports may be accommodated within any new POS provision.

The mix of public open space types proposed will be determined at the application stage based on need and the nature of the proposed use, in consultation with the Council's Parks department and having regard to various Council Strategies. These include specifically the 'Green Space Strategy 2012 to 2017', 'Sports Facility Strategy 2012 to 2021', 'Ealing Biodiversity Action Plan 2013-2018' and Allotment Strategy (to be published), each of which identify specific spatial needs for open space types, and priorities for investment.

## 2 Principles underpinning good Garden Design

Once the amount and type of open space has been determined the next key step will involve designing the garden space itself, which should be underpinned by the following key principles:

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1. <u>Gardens should not be leftover spaces</u>

   Garden spaces are not just what is left over from the footprint of the building. Just as dwellings should be designed by giving consideration to circulation and the use of spaces, gardens should be laid out with reference to the functional needs of the space for access, use and adequate sunlight. Proposals for excessively narrow, irregular or overshadowed garden spaces will be refused.

   Where space is constrained, innovative design solutions should be explored, including the utilisation of roof areas to accommodate garden provision, subject to other amenity considerations being satisfied.

2. Development should reflect local building patterns layout and site coverage
   Development must respond intelligently to all aspects of a strong or positive local character. This includes typical building separation and extent of site coverage even where these may not be specifically mandated by garden provision standards. Accordingly the established urban grain may be an equal determinant in the layout of space.

3. Private outdoor space should be directly attached to dwellings
   The 'private outdoor space' component of garden space, i.e. that which is provided to satisfy London Housing SPG standards (4.10.1-4.10.3), should be directly attached to the dwelling that it serves, whether as a balcony or wintergarden in the case of upper floor flats, or as a private garden or terrace in the case of ground floor flats, or detached, semi-detached, and terraced houses. This space should be exclusively accessible to its assigned flat, and visually separate and screened from other spaces.

   Where such space is provided at grade, appropriate boundary treatment should be chosen to assist in screening the windows of the properties it serves from any adjoining communal areas.

   Where such space is supported by communal garden provision access to communal area should be secured for all units which do not benefit from enhanced private garden provision. Whilst those units benefiting from such access may not enjoy direct access, the space and accommodation should be designed to ensure that access is as convenient as possible.

   Garden space should be designed to ensure that it is accessible to wheelchair users and other disabled users. An accessible and ideally level route should be provided between the external door and the outdoor space.

   To protect the amenity of neighbouring residents such space should also be carefully sited/designed to minimise its impact on adjoining users. These impacts might include light spill, noise and overlooking.

4. All garden space is at least semi-private
   Garden space in urban areas does not usually enjoy total privacy, however there is a reasonable expectation for garden spaces to be protected from excessive exposure or oversight, or they are unlikely to be used by residents. Where spaces offer little or no privacy to users then they will not be considered to count towards the quantitative garden space standards. Where space permits different functional zones could be created with varying degrees of privacy to support the differing needs of users.

   Conversely new garden provision should also be carefully sited and designed to minimise overlooking of existing neighbouring dwellings.

Particular regard in this respect will need to be given when space is provided at higher levels, such as in roof gardens or balconies.

5. Garden space should be physically distinct from other functional space
With the exception of front gardens, garden space should be functionally and visually separate, and screened from other spaces such as parking areas, public roads, footpaths, ground floor windows of other residents and circulation space. Where crime prevention considerations make views into or out of garden space desirable this may be achieved using low or partial screening of the space.

6. Planting treatments should be an integral part of garden space design
A garden is more than a blank expanse of grass, and development proposals should consider plantings that complement and enhance the functional programme for the space. In particular, the edges of garden space, or divisions between the functional and amenity parts of a development can be softened, and the perception of small spaces extended by the use of green walls or similar treatments. Where space permits, landscaping could be used to create different functional zones to support a variety of formal and informal uses, and to meet the differing needs of users.

   Landscape design should seek to maximise the extent of naturally vegetated areas. Priority should be given to retaining and integrating existing trees where these are already evident on site. The extent of hard standing should be minimized, in the interest of regulating temperatures, and to support the drainage of surface water. Vegetation has the ability to provide aerial cooling by shading, both to the garden and the building itself. The use of trees, hedges and other forms of vegetation located carefully around houses can also enhance winter energy saving by reducing the speed of air movement reaching a building and thus acting as a wind break. Care does however need to be taken in the design so that wind tunnels are not directed towards the house, and that maximum solar gain is retained in winter.

   Native plants should generally be used as these provide a better source of food for wildlife than introduced plants. The use of drought resistant planting is also encouraged, particularly in communal areas. Where communal garden space provision is proposed, adequate arrangements should be made for its continuing maintenance. Incorporating a water feature within the area will also greatly increase the potential for attracting and sustaining wildlife, and such a feature could also double as a sustainable urban drainage system. Opportunities should be taken to plant hedges as an alternative to the provision of hard boundaries, e.g. walls and fencing. Trees should be incorporated where possible as these will give a focus to the garden. Large trees should not however be planted close to buildings because of possible damage from roots and overshadowing.

The landscape design should also seek to ensure that it is accessible to wheelchair users and other disabled people[5].

7 Siting, layout and design should where appropriate contribute to the establishment of Green Infrastructure (GI) networks
Whilst much garden land is privately owned and not accessible to the public, gardens can make an important contribution to the function and quality of Green Networks/Chains, and particularly in relation to the movement of wildlife. Where new garden provision is being provided/designed, and this adjoins/forms a link in a wider green network/chain, both the layout and landscaping treatment should be designed to maximise such connections. Policy 5.11 of the Development Management DPD also requires that Green Roofs should be provided on major developments that fall within 100m. of designated open space, and this might form a key element of the overall design scheme.

## 3 Front Gardens

Whilst the guidance above primarily relates to private and screened areas of garden space which count towards the quantitative standards outlined in policy 7D, front gardens also make an important contribution to the setting of development and its overall sustainability, and accordingly careful consideration should be given to their design too.

Some of the principles outlined above, including in particular the need to maintain established urban grain, will also inform the provision of space to the front of properties.

The area between dwellings and the highway provides one of the best opportunities for enhancing the appearance of new development. Careful attention to matters such as permeable surfaces, tree and shrub planting, and the erection of walls and railings can make a significant contribution in this regard.

Whilst less common these days in relation to new housing design, where exclusive parking is proposed within the front curtilage of the property, the design of this front garden space should seek to maximise the amount of space which is naturally vegetated, with at least 50% being planted. The remaining 50% or less might comprise a combination of hard surfacing (approximately 20%) and cellular paving (approximately 30%). For further advice see also www.ealingfrontgardens.org.uk.

The use of a physical boundary or 'means of enclosure' helps to define the extent of private space which has been shown to help with crime prevention and helps to reduce the visual impact of any off-street parking at the front of dwellings. Where front garden physical boundaries exist in neighbouring areas these should continue to be used in new development. In order to

[5] Useful guidance on this matter can be found at www.accessiblegardens.org.uk

reduce opportunities for crime it is however appropriate for front gardens to be overlooked by other dwellings.

## 4 Existing Gardens

Whilst this guidance is principally targeted at new garden provision, the qualitative standards outlined in policy 7D and the key design principles promoted above in relation to new provision, provide a useful measure from which to determine the appropriateness of change in relation to existing garden provision.

For example, when dealing with a proposal involving the loss of part of a garden it will be necessary to establish whether the resultant development brings the existing garden area below current quantitative standards or undermines the quality of the original space contrary to the principles outlined in guidance above, and policy 7B of the Development Management DPD. It will be necessary to demonstrate for example whether the original garden area remaining is still of functional value, and an appropriate level of privacy is retained. A proposal involving the reconfiguration of existing garden space resulting in a small, poorly shaped, overlooked and overshadowed garden serving the existing neighbouring unit(s) is unlikely to be acceptable, and this guidance provides a useful means to judge this. Similarly the contribution of existing gardens to the form, function and structure of areas requires careful consideration when judging proposals which alter the existing provision.

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