

Appeal Decision

Site visit made on 13 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd October 2016

Appeal Ref: APP/H5390/W/16/3152350
71 Masbro Road, London W14 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr. Martin Windebank against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01050/PD56, dated 7 March 2016, was refused by notice dated 3 May 2016.
 - The development proposed is resubmission of notification of a proposed change of use from B1(a) office to C3 residential.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (GPDO) for the application for confirmation that prior approval is not required for change of use from B1(a) office to C3 residential at 71 Masbro Road, London W14 0LS, in accordance with the details submitted pursuant to Schedule 2, Part 3 Class O of the GPDO subject to the following conditions:-
 - 1) The development hereby permitted shall be completed within a period of three years from the date of this prior approval.
 - 2) The development to which the approval relates shall be carried out in accordance with the following approved plans and specifications:-PL101 Rev A.

Procedural Matters

2. The GPDO requires the local planning authority to assess the proposal solely on the basis of the transport and highway impacts of the development, contamination and flood risks on the site and impact of noise from commercial premises on the intended occupiers of the development taking into account any representations received.
 3. The Council has confirmed that prior approval of contamination and flood risks are not necessary.
 4. The reason given by the Council for refusing prior approval was on the basis that the appellant would not agree to the development being car parking permit free.
-

Main Issues

5. The main issues are i) the effect of the proposal on levels of parking demand in the locality and the implications for the living conditions of existing residents and sustainable travel and ii) the effect of the adjacent commercial premises on the proposal.

Reasons

Parking

6. The Council has expressed its reason for refusal in terms of amenity issues resulting from increased parking stress and the fact that it would deter sustainable travel.
7. The Council's strategy for dealing with parking provision serving new development is set out within the London Plan (as amended 2016), the Hammersmith and Fulham (H&F) Core Strategy 2011 and the H&F Development Management Local Plan 2013 (LP).
8. This strategy seeks an appropriate balance between promoting new development and preventing excessive car parking provision. For residential development in areas with a good Public Transport Accessibility Level (PTAL) a standard of significantly less than 1 parking space per unit is sought. The purpose of this is to encourage reliance on public transport whilst discouraging unnecessary parking congestion.
9. The site falls within part of the Borough with a very good PTAL rating. Access could therefore be gained to various essential services and facilities relatively easily without dependence on a car. This is likely to make the proposal attractive to non-car owning residents. Given that the proposal is for a single bedroom apartment the appellant's desire not to be prevented from applying for a car parking permit would be in conflict with the aforementioned strategy.
10. However, I have not been provided with any compelling evidence from the Council that the lack of a condition to prevent an application being made by the appellant for a parking permit would discourage use of more sustainable methods of transport. Contrary to this a car owning resident may choose to use their vehicle only occasionally preferring the convenience of public transport on a day to day basis.
11. The appeal site is within a densely populated area characterised by terraced dwellings and where car parking predominantly takes place on the adjacent streets. Along Masbro Road car parking restrictions are in force during the hours of 9am to 6pm which require the display of a permit or the use of a meter for time limited parking.
12. The Council and appellant dispute the appropriate threshold for judging unacceptable levels of on-street parking stress in the locality. According to the Council this is when 80% or more of available space is taken. By contrast the appellant considers the appropriate figure to be 90% and above.
13. The Council's concern is with particular regard to the level of night time parking in the locality. According to its most recent survey in April 2015, the level of night time parking stress within the stretch of Masbro Road closest to the site was 89%. The appellant's more recent survey, the findings of which are not

disputed by the Council, was undertaken in January 2016. Whilst the study aggregates longer sections of the street and therefore is not directly comparable to the Council's assessment it nevertheless also showed the northern part of Masbro Road to be intensively parked during the night.

14. However the appellant's study showed that there was more parking space available along the southern section of Masbro Road where stress levels were identified to be 60% at night falling to 52% during the day. These levels would be within the Council's tolerance threshold. From my visit it was clear that the southern part of Masbro Road whilst further from the appeal site would still be within reasonable walking distance for most people. In principle I do not therefore consider that the prospect of a resident having to walk a little further between their house and car would result in significant harm to living conditions.
15. Furthermore it is important to consider that the proposal in this case is for a single small flat. The level of additional parking demand arising from this would be extremely low. Its impact on parking stress, including any risk of double parking in connection with the adjacent commercial units, would be negligible.
16. Drawing together all the above considerations I conclude that the proposal would not result in significant harm to levels of parking demand and stress in the locality, to sustainable travel and accordingly that the living conditions of residents and highway safety would not suffer as a result.
17. The proposal would not be in keeping with Policy DM J2 of the LP which seeks to minimise parking provision in areas with a good PTAL rating. However the impact on parking stress would be negligible and in this respect the proposal would be consistent with the National Planning Policy Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Adjacent commercial premises

18. The properties situated on either side of the appeal site comprise an estate agent and convenience store respectively. Taking into account the nature and limited scale of these uses and associated comings and goings, I conclude that future occupiers of the proposed development would not be subject to unacceptable noise impacts. Accordingly a condition to secure sound insulation measures for the proposed flat would not be necessary in this case.

Conclusion

19. For the above reasons and having had regard to all other matters raised I conclude that the appeal should be allowed. I shall impose conditions setting a timescale for completion of the development and requiring it to be carried out in accordance with the proposed drawings to ensure that the development complies with the requirements of Schedule 2, Part 3, Class O, paragraph O.2(2) and paragraph W of the GPDO.

Roy Merrett

INSPECTOR