

Appeal Decision

Site visit made on 14 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 13 October 2016

Appeal Ref: APP/H5390/W/16/3152045

12 Tilton Street, London SW6 7LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Charles Hall against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00572/VAR, dated 8 February 2016, was refused by notice dated 4 April 2016.
 - The application sought planning permission for change of use from an office (Use Class B1) to a single two bedroom dwellinghouse (Use Class C3) without complying with a condition attached to planning permission Ref 2009/02202/FUL, dated 12 January 2010.
 - The condition in dispute is No 4 which states that: No occupiers of the residential unit hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.
 - The reason given for the condition is: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy HO3 and TN15 and Standards S8.2 and S18.1 and S18.2 of the Unitary Development Plan as amended 2007.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on levels of parking demand in the locality and residential amenity.

Reasons

3. The Council's strategy for dealing with parking provision serving new development is set out within the London Plan 2015 (LP), the Hammersmith and Fulham (H&F) Core Strategy 2011 (CS) and the H&F Development Management Local Plan 2013 (DMLP). This seeks to achieve a balance between ensuring appropriate parking to meet the essential needs of development without impacting on the quality of the urban environment and undermining use of public transport.
-

4. The Council operates a threshold policy for judging unacceptable levels of on-street parking stress in the locality when considering residential conversions. Transport Policy 4 (TP4) of the Council's Planning Guidance Supplementary Planning Document 2013 (SPD) identifies this threshold as exceeded when the level of on-street overnight parking leaves less than 20% of parking capacity free. The Council's most recent survey undertaken in 2015 revealed overnight parking stress on both sides of Tilton Street to be 81% and 91% respectively. Accordingly the Council raises concern that permitting further on street parking will increase stress levels unacceptably.
5. Whilst TP4 relates to the conversion of residential property, the proposal in this case arises in the context of an additional residential unit having been created which was previously in use as an office. It is therefore reasonable and consistent with the objectives of TP4 to apply the guidelines within that policy to the present case.
6. The appellant has provided a series of photographs taken at various times, seeking to demonstrate the availability of parking space along Tilton Street and the adjacent Delaford Street. Whilst these photographs show free parking space to be visible it is not clear how the proportion of available space within the respective streets compares to the Council's stress threshold levels for overnight parking.
7. Furthermore, irrespective of this consideration it is material that the appellant already has access to an off-street car parking space within their property. I acknowledge that this space is physically confined and does not lend itself to straight forward manoeuvring or access to the vehicle. Nevertheless it remains an accessible space and by moving the car forward away from the property it would be possible for passengers to get into and out of the vehicle much more easily.
8. I have taken into account the appellant's concerns about safety in terms of the difficulty getting past the vehicle as a means of escape. Notwithstanding this it appears from the information I have been given that it is physically possible to gain access along the side of the vehicle.
9. I have also taken into account concerns raised regarding the security and practical difficulties of installing a young infant in the vehicle. Whilst I sympathise with the appellant in this respect, such constraints would be temporary in nature and there is no suggestion that alternative forms of transport are unavailable to overcome this difficulty in the meantime.
10. Drawing together the above considerations I conclude that a compelling case has not been made that the proposal is necessary and would not add to unacceptable levels of parking demand in the locality to the detriment of residential amenity.
11. Accordingly there is justification to apply Policies 6.13 of the LP, T1 of the CS, DM J2 of the DMLP and the objectives of the SPD which seek to prevent excessive car parking provision and restrict demand for car parking in areas of parking stress. The granting of planning permission without the subject condition would conflict with the aforementioned policies and objectives of the SPD and would therefore be unjustified.

Conclusion

12. For the above reasons and having had regard to all other matters raised I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR