

Appeal Decision

Site visit made on 18 October 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 7th November 2016

Appeal Ref: APP/L5810/W/16/3151482

27 Orleans Road, Twickenham, Richmond upon Thames TW1 3BJ

- 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 Ammes Gardner against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/0641/VRC, dated 15 February 2016, was refused by notice dated 13 April 2016.
 - The application sought planning permission for Demolition of existing industrial building (Use Class B2) and erection of a single family dwelling house (Use Class C3) including associated works without complying with a condition attached to planning permission Ref DC/TSN/14/2317/VRC/VRC, dated 12 August 2014.
 - The condition in dispute is No DV43B which states that: Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident/commercial occupier of the development shall obtain a resident/commercial parking permit within any controlled parking zone which may be in force in the area at any time.
 - The reason given for the condition is: To ensure that the development does not generate an increased demand for on-street car parking to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highways, the amenity of the area and to accord with the Councils car parking policy and standards.
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Decision

1. The appeal is allowed and the approval Ref DC/TSN/14/2317/VRC/VRC for Demolition of existing industrial building (Use Class B2) and erection of a single family dwelling house (Use Class C3) including associated works at 27 Orleans Road, Twickenham, Richmond upon Thames TW1 3BJ granted on 12 August 2014 by Council of the London Borough of Richmond-upon-Thames is varied by deleting condition No DV43B.

Application for costs

2. An application for costs was made by Mr Ammes Gardner against the Council of the London Borough of Richmond-upon-Thames. This application is the subject of a separate Decision.

Background and Main Issue

3. The development subject to the planning permission has been carried out. The disputed condition required arrangements to be agreed and put in place to prevent occupiers obtaining a parking permit, before the dwelling was occupied.
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4. The main issue is whether the condition is necessary and reasonably related to the development permitted having regard to highway safety within the area.

Reasons

5. No 27 Orleans Road (No 27) is a modern dwelling in a relatively dense residential area mainly comprising a mixture of detached and terraced properties and lock up garages.
6. Orleans Road and the streets nearby are within a controlled parking zone known as S1 (CPZ S1) where on-street parking is limited to residents and businesses with parking permits for the majority of the day.
7. Policy DM TP 8 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan (2011) (DMP) states that developments, redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. Moreover, it requires that new development meets maximum parking standards unless it can be shown that there would be no impact on the area in terms of street scene or on-street parking.
8. Furthermore, the justification to Policy DM TP 8 of the DMP states that in general it is expected that in low PTAL¹ areas (1-4) the maximum parking standards should be met. It also states within the town centre (particularly within Richmond and Twickenham) the standards reflect the approach of the Core Strategy in that further expansion of parking will be limited.
9. No 27 is not within a town centre. However, it is in an area which has a PTAL score of 3 and does not benefit from any off-street parking. It is therefore unable to meet the Council's maximum parking standards and therefore to comply with Policy DM TP 8 of the DMP, it must be demonstrated that there is no unacceptable impact on on-street parking or local traffic conditions.
10. The Council's Transport Team have confirmed that at the time of the application there were 65 resident parking permits issued for CPZ S1 and the appellants parking survey identifies 61 permit holder parking opportunities within CPZ S1. Even though the number of parking permits issued exceeds parking spaces, the difference is relatively marginal. Furthermore, in my view, there will be times when permit holders are away or without the use of a car, thus not everyone with a permit would make use of it every day of the year or at the same time.
11. The appellant's parking survey identifies that of the 61 permit holder parking opportunities within CPZ S1 an average of 11 overnight opportunities were found to be available over the survey period. I acknowledge that at the time of the survey some of the parking bays in CPZ S1 could not be used and this may have led to residents parking outside of CPZ S1. However, this also may not be the case and the reduced number of parking opportunities could also indicate that CPZ S1 has capacity to absorb further demand in addition to that identified in the survey.
12. There is no substantive evidence before me which indicates that the appellant's parking survey was not carried out in accordance with the Council's parking

¹ Public Transport Accessibility Level

survey methodology and is not an acceptable assessment of the parking capacity in the area. In my view and with the absence of any substantive evidence to the contrary, the appellant's parking survey identifies sufficient capacity within CPZ S1 to absorb the demand for on-street parking generated by the appeal dwelling. Therefore an appropriate level of on-street parking is available in the area to avoid an unacceptable impact on on-street parking conditions and local traffic conditions in the area.

13. On this basis, should the occupiers of No 27 obtain parking permits there would be no increased risk to highway safety as a result of residents finding it difficult to find a parking space. Thus, I conclude condition No DV43B is not necessary or reasonable and without the condition attached to the approved development, it would comply with the development plan, the SPD and the sustainable transport aims of the National Planning Policy Framework. It would specifically comply with Policy CP5 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy (2009) and Policy DM TP 8 of the DMP which taken together seek to achieve highway safety and a sustainable transport network.

Other Matters

14. I have considered the planning history of the appeal site and the Council's assessment of parking requirements for previously approved schemes. However, I have attached limited weight to these matters given the development to which the disputed planning condition is attached has been implemented and inevitably the demand for parking changes over time.
15. The appeal site is within the Twickenham Riverside Conservation Area (CA). In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the development on the character and appearance of the area. However, given the proposal would utilise parking spaces already in place, I find the proposal would have a neutral impact on the character and appearance of the area, thus the character and appearance of the CA would be preserved.

Conclusion

16. For the reasons given above and with regard to all other matters raised, the appeal is allowed. I will vary the planning permission by deleting the disputed condition.

L Fleming

INSPECTOR