

Appeal Decision

Site visit made on 22 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/L5810/W/16/3157467

2A Talbot Road, Isleworth TW1 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr D J Hunt against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2498/GPD15, dated 15 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a change of use of offices (B1) to two dwellings (C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the free flow of traffic and highway and pedestrian safety.

Reasons

3. The appeal site comprises an office building situated to the rear of 389 St Margaret's Road which has separate access from Talbot Road. It is within a mainly residential part of Isleworth, although there are a number of commercial premises near to the site.
 4. According to the Council's adopted parking standards the provision of two new residential units requires two off-street parking spaces. There are no off street parking spaces provided and I observed that there is inadequate space available on site for parking.
 5. The site has a Public Transport Accessibility Level (PTAL) of 2, which is poor, although I observed that during the week and at weekends there are very regular bus services serving the bus stops which are situated close to the property. It is not situated within a Community Parking Zone (CPZ) area. However, there are some parking bays near to the junction of Talbot Road and St Margaret's Road designated for short stay between 0800 and 1830. There are also some double yellow lines near to the junction of St Margaret's Road and Talbot Road and a loading bay on the opposite side of Talbot Road to the appeal site.
 6. At the time of my site visit in the middle of the day mid-week I saw that most on-street parking spaces in the vicinity of the site were occupied. I also observed extensive parking on double yellow lines, including on the nearby
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junction, resulting in congestion and hazardous highway conditions arising from vehicles obstructing the highway and causing poor visibility for pedestrians and vehicles using this part of the network.

7. A parking survey was submitted with the application to demonstrate the level of parking stress within 200 metres of the site. The survey highlights that there is a high level of parking stress for on street parking near to the site. Indeed, the level of stress was 102% at the time the survey was undertaken, meaning there were more vehicles parked on the streets than spaces available. The survey also indicates some limited availability of parking spaces nearby on Richmond Road and Haliburton Road.
8. The Council is concerned about the limitations of the survey. I share some of their concerns, specifically the timing of the survey the week before half term when there may be less demand for car parking and the absence of maps which limits the ability to assess the results accurately and draw conclusions regarding the effect of the shortfall on highway and pedestrian safety. I accept that the best practice methodology used is generally sound and that it does illustrate the overall level of parking stress locally at the time it was undertaken. I also acknowledge the appellant's concerns that the Council does not have an adopted parking capacity threshold in its development plan. Nonetheless, from the evidence before me it is clear that there is severe parking stress in the area which leads to congestion and hazardous highway conditions.
9. Furthermore, new CPZs in roads near to the appeal site are likely to result in the displacement of cars during the day from commuters, residents and visitors and at night. This would result from new restrictions to the number of parking spaces available in nearby streets.
10. Two additional residential units would be likely to exacerbate the parking conditions in the vicinity of the site which already cause hazardous highway conditions. There would be likely to be more potentially dangerous traffic movements near to the junction of St Margaret's Road and Talbot Road and in the wider area as residents and others look for parking opportunities and, avoiding inappropriately parked vehicles.
11. I have also considered whether a condition could be imposed to require future occupants to enter into a legal agreement to restrict them from obtaining parking permits, but the Planning Practice Guidance advises that such negatively worded conditions requiring a planning obligation should only be imposed in exceptional circumstances in the case of more complex and strategically important developments where there is evidence that the development would otherwise be at risk. The particular circumstances of the current appeal are not exceptional to warrant an approach whereby such a condition would be justified.
12. I therefore conclude that the proposal would, by reason of a lack of parking being provided on site, have a harmful effect on the free flow of traffic and highway and pedestrian safety. Therefore it would be contrary to the provisions of Policies DM TP6 and DM TP8 of the Local Development Framework Development Management Plan November 2011 and the National Planning Policy Framework.

Conclusion

13. For the reasons given above and taking into account other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR