
Appeal Decision

Site visit made on 4 May 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 26 May 2017

Appeal Ref: APP/N5660/W/17/3167033

4 Houghton Square, London SW9 9AN

- 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) Order 2015 (as amended).
 - The appeal is made by Mr Martin Sims against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01471/P30, dated 10 March 2016, was refused by notice dated 26 July 2016.
 - The development proposed is change of use from Use Class B1(a) Office to Use Class Dwellinghouse C3 into a residential 2 bedroom flat at Unit 4.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for change of use from Use Class B1(a) Office to Use Class Dwellinghouse C3 into a residential 2 bedroom flat at Unit 4 at 4 Houghton Square, London SW9 9AN in accordance with the details submitted pursuant to Schedule 2, Part 3 Class O of the GPDO, and subject to the following condition:
 - 1) Prior to the occupation of the development hereby approved, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details before the use commences and shall thereafter be retained solely for its designated use.

Main Issue

2. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from office (Use Class B1(a)) to a residential unit (Use Class C3), having particular regard to the effect of the proposal on parking provision and highway safety in the area.

Reasons

3. The appeal site is located within an area with a PTAL rating of 5, which is 'very good', and is also within a Controlled Parking Zone (CPZ). The scheme would result in the conversion of an existing office to a two bedroom flat. No provision would be made for car parking for the new dwelling within the site.
-

4. The Council seeks a section 106 agreement to restrict the future occupants from applying for parking permits, due to the potential increased pressure on on-street parking in the area, and the potential for detriment to highway safety. The appellant disputes the need for such an agreement.
5. Following the refusal of the application, the appellant has commissioned and submitted a Transport Report (TR, dated December 2016) to examine the likely impact of the proposal in this regard. The TR included a parking stress survey, and found that parking stress is at 88% in the local area. The TR concluded that sufficient on-street parking spaces would be available within walking distance of the appeal site. The Council does not dispute the findings of the TR.
6. The scheme would result in the creation of a two-bedroom flat, and in my view, such a modest development would be unlikely to give rise to an unacceptably harmful increase on parking pressure in the vicinity. In the absence of any substantive evidence to refute the conclusions of the TR, I have no basis other than to accept its findings. It has therefore been demonstrated that the effect of the proposal would not be materially harmful to parking provision in the area.
7. The Council's reason for refusal also raises concerns in respect of the safe and efficient operation of the adjacent public highway. However, little substantive evidence has been provided to show how the development would give rise to these particular problems. I am mindful of the provisions of the National Planning Policy Framework (NPPF), which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
8. I therefore find that the restriction on future residents' ability to apply for parking permits by way of a section 106 agreement has not been demonstrated to be necessary to make the development acceptable in planning terms, as required by the policy tests set out in the NPPF.
9. Subsequently, I find no conflict with Policy D4 of the Lambeth Local Plan (LLP, September 2015), which relates to planning obligations, LLP Policy T6, which indicates that proposals will be supported where they do not have unacceptable transport impacts, and LLP Policy T7, which relates to parking for new development. Similarly I find no conflict with Policy 6.12 of the London Plan (LP, 2016), which relates to the road network capacity, or LP Policy 6.13, which relates to parking.
10. I have had regard to the objection that has been received from neighbouring occupants in respect of privacy. However, effects on living conditions do not fall to be considered within paragraph O.2(1).

Conditions

11. I have had regard to the planning conditions suggested by the Council. The suggested condition regarding waste and recycling storage goes beyond the scope of the issues specified in paragraph O.2(1) and so is not necessary or reasonable. However, I have imposed a condition requiring details of cycle parking in order to promote sustainable modes of transport. This condition relates to the transport impacts of the development and so is both reasonable

and necessary. I have not imposed the suggested condition requiring a section 106 agreement, as this measure has not been shown to be necessary.

12. In granting approval the appellant should also note that the GPDO, under the provisions of Class O, requires that the development must be completed within a period of three years starting with the prior approval date.

Conclusion

13. For the reasons above, and taking all other matters into account, I conclude that the appeal should be allowed and that approval should be granted.

Elaine Gray

INSPECTOR