
Appeal Decision

Site visit made on 23 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/H5960/W/16/3159547

Land R/O 13 Thurleigh Road, Wandsworth, London SW12 8UB

- 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 Edward Church against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1872, dated 14 March 2016, was refused by notice dated 22 June 2016.
 - The application sought planning permission for the demolition of existing garages, erection of a single-storey plus basement attached self-contained dwelling fronting Blenkarne Road with boundary treatment and associated landscaping without complying with a condition attached to planning permission Ref 2015/1973, dated 21 July 2015.
 - The condition in dispute is No 7 which states that: *The development shall be carried out in accordance with the approved drawings 26BLNKRNRD-101P3 A, 26BLNKRNRD-102P3, 26BLNKRNRD-103P3 A and specifications, unless approved otherwise in writing by the local planning authority.*
 - The reason given for the condition is: *To ensure a satisfactory standard of development, and to allow the local planning authority to review any potential changes to the scheme.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development comprises the demolition of the existing garages on the site and erection of a single storey dwelling with large basement. Development has commenced with the demolition of the previous building now complete. Although surrounded by hoarding, I was able to view the site from the street without any building present and have taken this into account in coming to my decision. The appeal seeks to vary a condition that relates to the drawings of the proposed dwelling in order to provide parking to the front for a small car.

Main Issue

3. The effect on highway safety.

Reasons

4. Blenkarne Road, on which the appeal site is located, comprises a mix of terraced, semi-detached and detached dwellings within Wandsworth Common Conservation area. The majority of dwellings in the area are substantial and
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attractive Victorian townhouses, although the neighbouring dwellings on Blenkarne Road are much later and of a different appearance. The proposed building would be a modest modern design that reflects the size of the previous three garage block, although with a substantial basement that takes up the whole site.

5. The proposal would replace part of the modest front garden area to provide a small parking space next to a glass balustrade surrounding a sunken patio. The soft planting to the pavement edge would be replaced with a gate that would reflect the appearance of the fence in front of the planting along the remainder of the front boundary. I agree with the Council that it would conserve the character and appearance of the conservation area.
6. I accept that the provision of a parking space would enable occupants to have a plug in electric car and it would enable off street parking. In addition, the previous forecourt to the garages could be used for parking and were a similar size to the space now proposed. However, it would result in the loss of on-street parking that might otherwise, taking account of the removal of the garages, increase the capacity of the street for parking. That would result in the only benefit to the proposed off street parking being the ability to have a plug in electric car.
7. Moreover, the depth of the space between the front elevation of the dwelling and rear of the pavement would be limited, such that the depth of the proposed parking space would only be sufficient for a small car without oversailing the pavement edge. Should a larger car be parked in this location, as would be likely on occasion, this would lead to conflict with users of the pavement, who may be forced to use the road to avoid the parked car, in so doing introducing potential conflict with vehicular traffic unacceptably impacting upon pedestrian and highway safety.
8. For these reasons, I conclude that the parking space would adversely affect highway safety. As such, it would be contrary to Policies DMS1 and DMT1 of the Wandsworth Local Plan Development Management Policies Document that seek to ensure development would not cause a road safety hazard and provide a safe and inclusive environment.
9. The appellant suggests that the size of car to be parked in the space could be limited by condition. However, it is unclear how such a condition could be sufficiently precise or reasonable in order to secure highway and pedestrian safety, or how it would be enforced.
10. I note that some neighbours may be supportive of the provision of the off road parking. There are other properties in the area where parked cars encroach onto the pavement. However, I do not consider that these matters overcome the harm I have found.
11. For the above reasons I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR