
Appeal Decision

Site visit made on 2 June 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 23 June 2017

Appeal Ref: APP/H5390/W/17/3169178
80-82 Goldhawk Road, London W12 8HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jon Mott of Papa John's (GB) Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02996/FUL, is dated 30 June 2016.
 - The development proposed is described as "Change of use of 80-82 Goldhawk Road from a Betting Shop (Sui Generis) into a Hot Food Takeaway (Class A5); installation of a new shopfront including the installation of a second door on the front elevation; installation of an external extraction flue to the rear elevation from the flat roof of the back addition at first floor level up to roof level; installation of an air intake grille to the rear elevation at ground floor level; installation of a new security gate to the rear elevation at ground floor level; and installation of a condenser unit to the rear elevation at basement level".
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Decision

1. The appeal is dismissed and planning permission for "Change of use of 80-82 Goldhawk Road from a Betting Shop (Sui Generis) into a Hot Food Takeaway (Class A5); installation of a new shopfront including the installation of a second door on the front elevation; installation of an external extraction flue to the rear elevation from the flat roof of the back addition at first floor level up to roof level; installation of an air intake grille to the rear elevation at ground floor level; installation of a new security gate to the rear elevation at ground floor level; and installation of a condenser unit to the rear elevation at basement level" is refused.

Procedural Matter

2. I have taken the description of development from the appeal form as this is consistent with that given in the Council's letter acknowledging receipt of the planning application.
3. The Council states that its principal concern regarding the development is the limited amount of parking capacity at the site. The Council considers that the development would exacerbate high parking stress in the area, which would be detrimental to highway safety and residents' amenity. As such, the proposed development is considered to be contrary to Policy T1 of the Core Strategy.¹ I have considered the appeal on this basis.

¹ Hammersmith and Fulham Local Development Framework: Core Strategy, October 2011

Main Issue

4. The main issue is the effect of the development on highway safety and residents' amenity, with particular regard to parking.

Reasons

5. The appeal relates to the ground and basement levels of a three storey mid-terrace property. The ground floor of the property is currently vacant and the upper floors are in residential use.
6. The site is located on Goldhawk Road (A402), which is a relatively busy distributor road. There are five pay and display parking spaces located to the front of the site on Goldhawk Road. Titmuss Street, to the west, is accessed from Goldhawk Road and is a lit one-way street, which is subject to waiting restrictions. There are a further five pay and display spaces on Titmuss Street that are also available for use by permit holders.
7. According to the business strategy set out by the appellant, it is estimated that 60 percent of orders would be delivered, and the remaining 40 percent would be collected by customers. It is expected that customers would use the pay and display parking if collecting their order by car. It is anticipated that there would be five mopeds and two cars available for deliveries at peak times, between 6pm and 11pm, and deliveries would generate an average of 11.9 traffic movements per hour. The appellant intends to apply for two parking permits for the cars, so they could be parked on local roads when not in use. I understand that mopeds do not require permits and they are entitled to park in permit/pay and display bays. In addition, a store would be provided within the building for three mopeds. To access the store it would be necessary to walk the mopeds over the pavement on Goldhawk Road.
8. I appreciate that the site is well located for access to public transport. However, customers are likely to want to ensure their food remains hot, so walking even for relatively short distances or using public transport is not as attractive as driving. Similarly, cycling is unlikely to be a realistic option for the majority of customers as it would be difficult to carry the takeaway. It is likely, therefore, that a significant proportion of customers would use their own vehicles and would be seeking to park in the vicinity of the site. Also, I am doubtful that the moped store would be used in the way that is described, due to its relatively small size and configuration. While it appears possible that three mopeds could fit into the store, it would be difficult and inconvenient to manoeuvre the vehicles in and out between deliveries. It is more likely that the delivery drivers would park the mopeds on-street, and close to the site, in order to despatch orders efficiently.
9. I accept that the bags used by the delivery drivers are designed to keep the food hot. Nonetheless, the company seeks to minimise the time that delivery drivers and vehicles spend at the store. Also, customers expect fast deliveries and time spent walking to and from parking areas is not an efficient use of the delivery drivers' time. Consequently, I consider that the proposed use is likely to generate demand for car and moped parking, from customers and drivers, in close proximity to the site.
10. The appellant's parking survey, undertaken in September 2016 between 6:30pm and 8:30pm, showed that there was availability in Devonport Road and

Lime Grove, and in the roads south of the appeal site. However, it also showed that there was very limited on-street parking available on Goldhawk Road and Titmuss Street. As explained above, the most sought after areas to park would be the roads closest to the site and these are already under parking stress. The peak operation time would be in the evening, between 6pm and 11pm, when demand for parking from residents would also be relatively high. Consequently, there is a strong likelihood that parking associated with the development would adversely affect residents' amenity due to a lack of available spaces.

11. The lack of parking in the vicinity of site may also encourage customers to park illegally, which would present a risk to highway safety. I also have some concerns about the moped parking. The footway on Goldhawk Road is relatively wide and this would provide the opportunity for moped riders to park on the pavement. There is also a designated on-road cycleway that would be blocked if moped drivers were to park across the kerb, forcing cyclists into the carriageway. I appreciate that this would contravene parking regulations, but I consider it unlikely that moped drivers would park on Devonport Road or Lime Grove, or the roads on the opposite side of Goldhawk Road, due to the distances involved. Moreover, accessing the moped store during peak periods would not be an efficient use of time. The appellant suggests the safe operation of the on-site moped parking could be secured by a planning condition. However, no wording has been suggested and I am not certain that such a condition would be reasonable in all aspects.
12. I note the letter of support from a local resident who considers it would be beneficial to bring the building back into use. Whilst I agree that the vacant building does not make a positive contribution to the area, the harm that would result from the development would outweigh this benefit.
13. To conclude, I find that the development would have an adverse effect on highway safety and amenity, due to inadequate parking provision. Therefore, it would be contrary to Policy T1 of the Core Strategy which seeks to ensure appropriate parking is provided to meet the essential needs of the development without impacting on the quality of the urban environment.
14. For the reasons given above, the appeal is dismissed and planning permission is refused.

Debbie Moore

Inspector