
Appeal Decision

Site visit made on 27 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/K5600/W/17/3171678
29 Petersham Place, London SW7 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Petersham Place Trustees against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/07137, dated 25 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a change of use from garage to living space and replacement of the existing garage doors with a new entrance and two windows.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 5 July 2017

Decision

1. The appeal is allowed and planning permission is granted for a change of use from garage to living space and replacement of the existing garage doors with a new entrance and two windows at 29 Petersham Place, London SW7 5PU in accordance with the terms of the application, Ref PP/16/07137, dated 25 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1527PL-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012 and 013.
 - 3) No development shown on approved drawing no. 1527PL-012 shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect on on-street parking provision, the free flow of traffic in the area and highway safety.

Reasons

3. The appeal site comprises a three storey mews house situated on the south side of Petersham Place. It has previously been altered by the addition of a

mansard roof. At ground floor level the property has a garage, entrance hall, kitchen and dining area. The garage is accessed directly off Petersham Place and can be accessed internally from the entrance hall. The garage is currently used for general domestic storage purposes and I understand this has been the case for a number of years.

4. Policy CT1 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan July 2015 (the LP) seeks to ensure that there are better alternatives to car use by, among other matters, requiring it to be demonstrated that development will not result in any material increase in traffic congestion or on street parking pressure. I understand that car parking is controlled across the Borough with most available kerbside parking being given over to residents parking. Indeed, I observed at my site visit that this is the case on the streets around the appeal site.
5. The appellant has submitted a Transport Technical Report which includes a detailed parking survey and analysis which gathered information on existing on-street parking supply and occupancy levels of existing on-street bays and single yellow lines. The survey covered the network of streets within a 200 metre walking distance of the appeal site was undertaken at times when residential car parking demand was likely to be at its highest on weekdays avoiding school holidays and dates with major events occurring. Across the survey area it was found that there was a parking occupancy level of approximately 73 per cent and 71 per cent on the respective survey days. This equates to spare capacity for approximately 104 and 110 vehicles.
6. The Council's latest parking occupancy data found occupancy in the same streets to be around 80 per cent with streets immediately surrounding Petersham Place to be between 90 per cent and capacity. The Council states that 80 per cent is the threshold at which parking stress is defined as being at a high level, although it is unclear where this is documented.
7. At my site visit I observed that a significant number of parking spaces in the survey area were vacant. I appreciate that this is only a snapshot in time; however, my observations broadly reflected the appellant's own findings. The Council found parking capacity of around 80 per cent across a survey area which is considered to cover a convenient walking distance from the site. Therefore, although streets immediately surrounding Petersham Place may have been found by the Council to be nearer full capacity, it has been demonstrated that there is on street parking capacity within convenient walking distance of the site. Therefore, the development would not result in any material increase in on-street parking pressure.
8. There is no evidence to indicate that the displacement of a car from an off-street space to an on-street space would have a significant effect on the free flow of traffic or general highway safety in the area.
9. Therefore, I conclude that the proposal would not have a harmful effect on on-street parking provision, the free flow of traffic in the area and highway safety. Therefore, it is in accordance with Policy CT1 of the LP.
10. In the light of the car parking availability in the area it is clear to me that the additional demand from a single vehicle would not be significantly harmful. Therefore, in these particular circumstances I conclude that a legal agreement restricting permits would be unreasonable.

11. The Council has drawn my attention to an appeal for 12 Ensor Mews¹ which was dismissed. However, the evidence before me indicates that in that particular case the appellant's evidence relating to parking was not compelling and my colleague Inspector found that the loss of the parking space would lead to increased demand for available on-street parking in the vicinity of the appeal site. I have found that in the light of the evidence before me and the specific circumstances of this appeal the proposal would not be harmful in terms of on-street parking pressure or highway safety. I have determined the current appeal on its own merits.

Conditions

12. I have specified the approved plans as this provides certainty. I have also imposed a condition relating to details of external facing materials to be used in the interests of preserving or enhancing the character and appearance of the Conservation Area.

Conclusion

13. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal is in accordance with the development plan taken as a whole and that the appeal should be allowed.

Alastair Phillips

INSPECTOR

¹ APP/K5600/D/13/2191543