
Appeal Decision

Site visit made on 17 May 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/L5810/W/17/3170063
123 Station Road, Hampton TW12 2AL

- 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 Barry Williams against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref: 16/4198/GPD15, dated 30 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is change of use of the rear offices at 123 Station Road from office use (class B1a) to residential (class C3) to provide 4 new residential units (2 x one bedroom flats, 2 x studio flats).
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Decision

1. The appeal is allowed and approval is 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 the change of use of the rear offices at 123 Station Road from office use (class B1a) to residential (class C3) to provide 4 new residential units (2 x one bedroom flats, 2 x studio flats) at land at 123 Station Road, Hampton TW12 2AL in accordance with the terms of the application Ref: 16/4198/GPD15, dated 30 October 2016, and the plans submitted with it, subject to the conditions in the attached schedule.
2. Paragraph O.2(2) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) requires that development permitted by Part O is to be completed within a period of three years starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.

Procedural matter

3. The description used by the Council on the decision notice accurately and succinctly sets out the proposed development and reflects the description used in the supporting statement that accompanied the original application. I have therefore used this for the purposes of the appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on on-street parking in the area.

Reasons

5. Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) sets out that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule. This is subject to a number of situations where such development is not permitted, listed under paragraph O.1, and to the conditions in paragraph O.2(1) setting out the matters for which an application to the local planning authority for determination as to whether the prior approval of the authority will be required.
6. It is common ground between the parties that the proposed development would meet the requirements of paragraph O.1 of the GPDO, and that consequently it would represent permitted development under Class O.
7. Paragraph O.2 sets out a number of matters for which the prior approval of the Council is required. The Council carried out an assessment of these matters as part of their consideration of the application and is satisfied that the proposal would not be at risk from land contamination or flooding, and that there would be no noise impacts from commercial premises on the intended occupiers of the development. It is also not in dispute that the building is not located in an area that is considered important for providing storage or distribution services. From the evidence provided, I have no reason to disagree with these conclusions.
8. The sole matter in dispute is the transport and highways impact of the development. The proposed development would result in the provision of two one bedroom flats and two studio flats, which are, in effect, also one bedroom dwellings. Policy DM TP 8 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan 2011 (DMP) requires that new development provides an appropriate level of off-street parking to prevent unacceptable impacts on on-street parking and on local traffic conditions. Appendix 4 to the DMP requires that one parking space per unit is required for one bedroom dwellings, although I note that these are maximum rather than minimum standards.
9. There is space within the appeal site for two vehicles to be parked off the highway. The application proposes that both of these spaces would be allocated to one of the one bedroom flats and that the remaining three flats would not be provided with off street parking. In this respect the proposal would not meet the requirements of Policy DM TP 8. However, this policy also states that it is expected that these standards will be met unless it can be demonstrated that there would be no adverse impact on the area in terms of street scene or on-street parking.
10. I note that the appellant suggests that, due to the size of the proposed units, the future occupiers are less likely to own or operate cars and refers to Census data which indicates that some 24% of the households in the area are without a car. Whilst this may be the case, there is no mechanism proposed to prevent future occupiers of the development from owning or operating a car and, indeed, it would be difficult to do so as the appeal site is not within an area where car parking is controlled through a permit system.

11. The Public Transport Accessibility Level (PTAL) is an accepted measure of determining how well served an area is by public transport in London. The appeal site is within an area that has a PTAL rating of 2 which is considered to be poor. The appeal site is close to Hampton railway station and there are bus stops nearby with services to Richmond, Kingston upon Thames and Staines. Although the frequency of these services accounts for the lower PTAL rating of the area, alternative transport options are available and there is a range of shops and services within a reasonable walking distance of the appeal site. This would result in the future occupiers of the proposed flats not necessarily being dependent on private cars to meet their day to day needs. Nonetheless, as car ownership would not be restricted at the proposed development, it is necessary to consider whether additional on-street car parking generated by the proposal could be accommodated.
12. I saw when I visited the site that Station Road is a main road through the area and, whilst it is not within a Controlled Parking Zone, there is a waiting restriction on the north side in the form of single yellow line along the north side. On the south side, parking is generally unrestricted with the exception of an area of limited stay parking located immediately outside the appeal site. However, the presence of a bus stop and a number of private accesses reduce the opportunities for on-street parking. At the time of my site visit the available on street parking on Station Road, and the adjacent residential streets, was well used, although there were some spaces available.
13. There is disagreement between the parties as to the levels of parking stress in the area. The Council apply a threshold of 90% parking stress to determine whether an area is considered to be heavily parked. Whilst the appellant's evidence makes reference to the Council recently lowering this threshold to 85%, this is not confirmed by the evidence submitted by the Council, which refers throughout to a 90% threshold.
14. The appellant submitted a parking survey with the application which found that that there is capacity to accommodate the additional parking that would result from the proposed development without exceeding the 90% threshold. The Highway Authority disagrees with this and suggests that the same survey data shows levels of parking stress in excess of the 90% threshold. It is unclear from the evidence how the Highway Authority have calculated the number of spaces available within the area surveyed, which it determines as being 130. The appellant has suggested that this has been calculated on the basis of dividing the length of available carriageway by the length of a standard parking bay. The appellant has calculated the parking stress on the basis of observation of actual parking behaviour and has determined the number of free spaces from the length of the unoccupied carriageway capable of accommodating a parked car, to arrive at a range of between 136 and 141 available parking spaces. As part of the appeal the appellant has sought a second opinion from a different highway consultant, who endorses this approach and the findings of the appellants parking survey.
15. As the carriageway is not divided into marked bays, vehicles will park according to the space available and, where such space is limited, it is not an unreasonable conclusion to draw that people will park more responsibly in order to best use the available space. On this basis, I find that the appellant's approach to, and assessment of, parking stress is the more persuasive of the two measurements.

16. The Council refer to an earlier appeal decision at 82 Station Road where prior approval was refused due to the transport and highways impact of the development¹. I do not have the full details of that case and so cannot be certain that the circumstances are the same as the case before me. This notwithstanding, I was able to see this site from the public road when I visited the appeal site, and its character and that of the surrounding streets is not directly analogous to the appeal site. I also note that that proposal was for larger units and that the Inspector who determined that appeal has some concerns regarding the accuracy of the parking information provided. I therefore do not consider that this is comparable to the case before me.
17. Whilst the proposed development would not provide off-street parking to the levels set out in Appendix 4 to the DMP, the appellant's parking survey indicates that there is sufficient capacity in the area to accommodate any additional car parking requirement generated by the scheme, which would meet the exception set out in Policy DM TP 8.
18. I therefore find that the proposed development would not have an adverse effect on on-street parking. It would comply with the relevant requirements of Policy DM TP 8 of the DMP which seeks to ensure that new development is provided with appropriate car parking provision.

Conditions

19. Paragraph O.2(2) of the GPDO requires that development permitted by Part O is to be completed within a period of three years, starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.
20. In addition to the above, Paragraph W(13) of the GPDO allows prior approval to be granted subject to conditions that are reasonably related to the subject matter of the prior approval. I have had regard to the list of conditions suggested by the Council in this respect. The Council have suggested that it is necessary to include conditions requiring the provision of cycle storage and storage for refuse bins, and for the retention of the car parking spaces for that purpose. The submitted details do not show any arrangements for the storage of cycles or waste bins and due to the constrained nature of the external space, which is also to be used for the parking of cars, it is necessary for these details to be submitted in order to ensure that appropriate provision is provided. As on street parking is close to capacity, it is also necessary to attach a condition to ensure that the off street parking provision proposed is retained. I have amended the wording of the suggested conditions as there is no evidence to suggest that cycle and bin storage is required to be provided within the building.

Conclusion

21. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

¹ Appeal Reference: APP/L5810/A/14/2223546

Schedule of conditions

1. No dwelling hereby approved shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to, and approved in writing by, the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. The cycle parking facilities shall be retained thereafter for the lifetime of the development.
2. No dwelling hereby approved shall be occupied until arrangements for the storage of refuse/waste bins within the site have been made in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The refuse storage provision shall be retained thereafter for the lifetime of the development.
3. The two parking spaces to be provided shall be kept clear of obstruction and available for their intended use at all times, and shall not be used for any purpose other than for the parking of private motor vehicles used by occupiers of, or visitors to, the premises.