



Appeal Decision

Site visit made on 26 June 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/H5390/W/17/3171381
61 Chesson Road, London W14 9QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr John Ahn against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/04529/FUL, dated 14 October 2016, was approved on 8 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is: "Erection of a lower ground floor rear extension, to the side of the existing back addition; Erection of a first floor rear extension, on top of the existing back addition; Conversion of the existing dwellinghouse into 2 x self-contained flats".
 - The conditions in dispute are Nos 11 and 12 which state that:
 - 11) No occupier of the first and second floor maisonette hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.
 - 12) The first and second floor maisonette hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers of the two bedroom flat, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The flat shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.
 - The reasons given for the conditions are:
 - 11) In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.
 - 12) In order that the prospective occupiers of the residential unit concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.
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Decision

1. The appeal is allowed and the planning permission Ref 2016/04529/FUL for the "erection of a lower ground floor rear extension, to the side of the existing back addition; Erection of a first floor rear extension, on top of the existing back addition; Conversion of the existing dwellinghouse into 2 x self-contained flats"

at 61 Chesson Road, London W14 9QS granted on 8 December 2016 by the London Borough of Hammersmith & Fulham Council, is varied by deleting conditions 11 and 12.

Main Issue

2. The effect that removal of the disputed planning conditions would have with respect to on-street parking demand and in turn upon the residential living conditions within the area.

Reasons

3. The appeal site is a traditional terraced property within a heavily built up part of London which has excellent public transport accessibility and is close to a wide range of services in the nearby North End Road. The approved development would include the creation of an additional dwelling within the first and second floor levels of the existing dwelling.
4. The area is covered by a Controlled Parking Zone (CPZ). On street signs and parking metres explain that to park within the CPZ requires either the payment of a fee for parking between 09.00hours – 17.00hours Monday to Friday, or a Residents' Parking Permit (RPP). Outside of those hours, there is no restriction on parking so anybody can park for free without a RPP.
5. The disputed planning conditions seek to ensure that occupiers of the additional dwelling, apart from disabled people, cannot obtain a RPP. The reasons given for the conditions relate to the stress that can occur when there is competition for parking spaces where there is a limited supply. The conditions cannot however prevent the ownership of vehicles by occupants of the dwelling who could attempt to park in CPZ outside of the controlled hours with the Council having no control over that. They could also attempt to park during the day subject to paying the necessary fee. In my view it is therefore unclear whether the prohibition of applying for a parking permit will achieve what the Council is seeking through these planning conditions.
6. Policy T1 of the Core Strategy¹ (CS) is referred to in the reasons for both conditions. This seeks to ensure appropriate parking to meet essential needs without impacting upon the quality of the urban environment. Policy DM J2 of the Development Management Local Plan² (DMLP) requires compliance with maximum parking standards which in areas with good public transport accessibility such as this, should be less than 1 space per unit. No specific parking spaces are proposed for the dwelling and therefore this policy is complied with. The Council were given an opportunity to clarify other relevant policies. DMLP policies DM A1, DM A9 and DM J3 as referred to within the reasons for the conditions have not been relied upon by the Council to support their case.
7. Other guidance in form of the Council's Planning Guidance Supplementary Planning Document, 2013 (SPD) is also referred to by the Council. SPD policy 3 in support of DMLP policy DM J2 states that planning permission will normally be refused where the level of on-street parking exceeds the notional overnight capacity. SPD policy 4 limits the number of units that properties can be

¹ London Borough of Hammersmith and Fulham, Local Development Framework, Core Strategy, adopted October 2011

² London Borough of Hammersmith and Fulham, Development Management Local Plan, adopted July 2013

converted to where (amongst other things) overnight parking leaves less than 20% free notional on-street overnight parking capacity.

8. The appellant has carried out a parking survey. The results indicate that on those 2 nights parking capacity (or "stress") did not exceed 64%, within the roads covering a reasonable walking distance from the site. With an additional dwelling it is anticipated that it would be no more than 65%. The Council has not provided alternative evidence of parking levels and has not disputed the appellant's figures or methodology. During the time of my visit around the middle of the day, the daytime capacity of no more than 52% seems a reasonable figure reflecting what I saw. I can accept the appellant's figures which indicate that the SPD policies would be complied with. I do not consider that residents of the area would be put under unreasonable parking pressure if they choose to live where there is excellent access to varied services and facilities nearby, whilst also owning a private vehicle.
9. In relation to the main issue, the removal of the disputed planning conditions would make little difference to on-street parking demand and in turn residential living conditions within the area. Appropriate parking would exist to meet essential needs of the prospective occupants without impacting upon the quality of the urban environment for other people. CS Policy T1 would be complied with. The requirement in paragraph 17 of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings would be achieved.
10. With respect to the tests for planning conditions as set out within paragraph 206 of the Framework, the conditions are unnecessary and it would be unreasonable to retain them.

Conclusion

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

A Harwood

INSPECTOR