
Appeal Decision

Site visit made on 10 July 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 31st July 2017

Appeal Ref: APP/H5390/W/16/3162923
57 Sherbrooke Road, London SW6 7QJ

- 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 Linden Dover of Sherbrooke Road LLP against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2016/01702/FUL, dated 14 April 2016, was approved on 14 June 2016 and planning permission was granted subject to conditions.
- The development permitted is the erection of a rear roof extension involving an increase in the ridge height by 300mm; erection of a single storey rear extension, to the side and rear of the existing back addition; excavation of the front and rear garden to form lightwells in connection with the enlargement of the existing basement; conversion of the existing dwellinghouse into 3 x two bedroom self-contained flats; associated external alterations.
- The conditions in dispute are Nos 13, 14 and 15 which state that:
- *13. The three flats hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the flats. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.*
- *14. No occupier of the three flats 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.*
- *15. All three flats 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, 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 flats 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:
 - 13. In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new flats hereby approved, and thus 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.*
 - 14. 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.*
 - 15. In order that the prospective occupiers of the residential units 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.

Decision

1. The appeal is allowed and the planning permission Ref 2016/01702/FUL for the erection of a rear roof extension involving an increase in the ridge height by 300mm; erection of a single storey rear extension, to the side and rear of the existing back addition; excavation of the front and rear garden to form lightwells in connection with the enlargement of the existing basement; conversion of the existing dwellinghouse into 3 x two bedroom self-contained flats; associated external alterations at 57 Sherbrooke Road, London SW6 7QJ granted on 14 June 2016 by the London Borough of Hammersmith & Fulham, is varied, by deleting condition Nos 13, 14 and 15.

Main Issues

2. The main issue is whether the disputed conditions are necessary or reasonable in the interests of the living conditions of occupiers of neighbouring properties.

Reasons

3. The appeal property comprises a two-storey, end terrace dwelling. Sherbrooke Road and the surrounding roads are predominantly composed of rows of terraced properties with no off-street parking provision. The surrounding roads to the appeal site have restricted on street parking provision.
4. Policy DM J2 of the London Borough of Hammersmith and Fulham Development Management Local Plan (the LP) 2013 states that development is required to conform to the Council's parking standards. It goes on to set out the maximum standards. These state that 1-2 bedroom residential properties should have less than 1 car park space per unit. The scheme did not include any parking spaces, although the existing property has the benefit of a parking permit.
5. Transport Policy 3 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (SPD) 2013 follows on from Policy DM J2 and states that residential conversions will normally be refused permission in streets where the level of on-street overnight parking exceeds the notional on-street overnight parking capacity.
6. Transport Policy 4 of the SPD provides further guidance on parking for conversions. It states that the Council will normally limit the extent to which a residential property can be converted to a level of one unit less than the number of floors in the property as it was originally built for residential occupation, where, amongst other things, the level of on-street overnight parking leaves less than 20% free notional on-street overnight parking capacity. It goes on to state that where it is proposed to increase the number of conversions beyond the number permitted by this standard, the additional units created by such conversion will normally only be permitted if sufficient off-street parking spaces are provided to meet the full car parking demand generated by the additional units. In these circumstances, the Council will need to be satisfied that there would be no consequential increase in on-street parking demand in areas of overnight parking stress.

7. The appellant has provided the details of an annual survey of overnight parking obtained from the Council, which confirms that between Dawes Road and Varna Road, the parking stress was 73% and between Varna Road and Munster Road it was 70%. I note that the survey was undertaken on 24 May 2016. However, in the absence of any evidence to the contrary, I find no reason to consider that the situation has materially changed.
8. Transport Policy 4 of the SPD does not identify what 'overnight parking stress' is. Transport Policy 3 refers to less than 20% free notional on-street overnight parking capacity. I also note that the justification for Policy DM A1 of the LP states that in streets where there is less than 10% night-time free space the number of additional dwellings may be restricted or conditioned to allow no additional on-street parking. The night-time free space identified in the survey far exceeds both the 10% and 20% figures and would likely remain as such even with the increase of two units. Therefore, I do not consider that there is on-street overnight parking stress in the area as indicated by the Council.
9. Furthermore, the Council's Delegated Report states that in order to adhere to Policies DM J2 and Policy 3 of the SPD, the two additional units are required to be car parking permit free. However, the conditions imposed on the Decision Notice preclude the occupants of all three units from obtaining a parking permit. There appears to be no evidence to suggest why none of the occupants of the units could have a parking permit.
10. I therefore find that there is no substantive evidence to demonstrate that there is a need for the development to be car parking permit free. The disputed conditions are not reasonable or necessary in order for the development to be acceptable in the interests of the living conditions of occupiers of neighbouring properties, and without such conditions, the proposal would comply with Policies DM A1, A9, J2 and J3 of the LP and Policy T1 of the London Borough of Hammersmith and Fulham Core Strategy 2011. Accordingly, they fail to accord with paragraph 206 of the National Planning Policy Framework.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed. As a result I will vary the respective planning permission by deleting conditions 13, 14 and 15.

Alexander Walker

INSPECTOR