
Appeal Decision

Site visit made on 25 July 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/Z5630/W/17/3174732

Montague Place, 42 Albany Park Road, Kingston, Surrey KT2 5SY

- 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 Mr Michael Moore of Property Investor Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12680/FUL, dated 13 September 2016, was refused by notice dated 28 October 2016.
 - The development proposed is to allow the use of car parking spaces 8 and 16 by non-residents.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is to use 2 existing parking spaces by people who do not live within the flats on the site. A planning condition attached to the decision approving the original development states that the parking spaces and others on the site shall be "kept free of obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it". The application was not made under the provisions of section 73 of the act to carry out development without complying with a condition which has been imposed on a planning permission. I will therefore deal with the appeal as if it relates to an application for development requiring planning permission.
3. The application was received by the Council on 24 June 2016 but I have used the date for the submission as per the ownership certificates.

Main Issues

4. The first main issue is the effect of the proposal upon living conditions within the dwellings at the appeal site with reference to security within the covered parking area. The second is the effect of the proposals upon the availability of parking in the surrounding area and therefore highway conditions.

Reasons

Living conditions

5. The parking area is provided within an under-croft beneath the flatted development. This is an area that is not overlooked by any of the residential units within the development or from outside of the site. It is not well lit by

natural light, with large reliance on artificial light. There is no natural surveillance of this area.

6. The document 'Secured by Design' from 2016, parts of which have been provided to me, explains that underground car parking requires security enhancement. This parking area is not entirely underground but conditions are similar. At the moment, the main access ramp down for vehicles and pedestrians to the site is via access controlled coded security gates. These gates are located towards the pavement and carriageway of Albany Place. At that point there is a reasonable degree of surveillance over the comings and goings of people entering the site. There is also a Closed Circuit Television (CCTv) system in operation within the parking area.
7. The Designing Out Crime Officer from the Metropolitan Police Service has commented that the space is subject to low levels of crime at the moment. However use by people that do not live within the development may, it is suggested, reduce the responsibility that the users of the spaces feel towards the property. According to that officer, small scale residential blocks normally promote the creation of a sense of community.
8. The 2 parking spaces are not used at the moment and so do not impact positively or negatively upon security of the site. The Designing Out Crime Officer's comments can be given substantial weight and I consider that use of these spaces by people who may not have any connection with residents or the property could lead to a reduction of security. There would be less control over who would have the security codes to enter the parking area. If the connection to residents at the site is removed, the spaces could be used by anybody on a long or short term basis. Occupiers of the residential part of the site would be more likely to see people who they are not familiar with and who may have no long term connection with the property or any feeling of responsibility for it or the vehicles and cycles stored there. In an area which is not well lit and where there is no natural surveillance I consider that this could lead to actual security problems as well as a sense by existing occupants of feeling less secure.
9. Policy DM10 of the Core Strategy¹ (CS) requires the incorporation of the principles of safe design including natural surveillance and appropriate levels of lighting. The design of the parking area does not conform to these requirements and reasonable security is therefore achieved by other means, particularly the control over who can use the area along with the security access system. Those controls would be substantially compromised by the proposals. From information available, I do not consider that the CCTV system would adequately prevent criminal activity or the fear of it even if it would help the investigation of crimes.
10. In relation to the main issue, the proposal would have a harmful impact upon living conditions within the dwellings at the appeal site due to the reduced security measures within the covered parking area. This would not comply with CS Policy DM10. The proposal would also lead to a less safe environment where crime and disorder and the fear of crime would undermine the quality of life for residents thereby not complying with paragraph 69 of the National Planning Policy Framework (the Framework).

¹ Royal Borough of Kingston Upon Thames, Local Development Framework, Core Strategy, adopted April 2012

Parking availability

11. There are 55 parking spaces on the site and the same number of dwellings within the development. The Council does not claim that the current level of parking is inadequate for the number of units although the 19 affordable units within the development have only 16 spaces allocated for use by those residents. I also noted that some spaces are for disabled people only further restricting who can use the available spaces.
12. For plan preparation, the London Plan² (LP) states that outer London Boroughs should demonstrate more generous parking standards, than the LP maximum standards, for housing development in areas with low public transport accessibility levels (PTAL) taking account of on street parking pressure. This part of the borough has a poor PTAL of 1b according to the Council which is not disputed by the appellant. I have no evidence however that this area is subject to particular on-street parking pressure and parking within the roads nearby is controlled by the highway authority (Controlled Parking Zone). Although the site is poor by London standards in terms of access to public transport it is close to services and facilities such as schools and shops. The proposal would not lead to fewer parking spaces in the area and even if less were available to these residents I do not consider that this would directly lead to problematic parking conditions.
13. In relation to this main issue, it is not clear that the proposals would lead to a lack of availability of parking in the surrounding area and therefore problems with highway conditions. The proposal would comply with LP Policy 6.2.

Other Matters

14. I have not given much weight to the marketing effort undertaken relating to the parking spaces. It is not clear from the information provided whether the asking price was realistic to fully test what the market value would be taking account of the current restriction through the planning condition.
15. A nearby resident has indicated an interest in purchasing the parking spaces and that could release some further capacity for on-street parking in the area. However, even if that could be achieved I am not convinced that it would overcome my concerns in relation to the first main issue or that it would make a significant difference to the availability of parking in the area.
16. These matters and my conclusion on the second main issue do not outweigh my concerns in relation to the first main issue.

Conclusion

17. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR

² The London Plan, The Spatial Development Strategy for London, consolidated with alterations since 2011, March 2016