

Appeal Decisions

Site visits made on 8 August 2017

by D R Cullingford BA MPhil MRTPI

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

Decision date: 8 September 2017

Appeals Ref: APP/P5870/W/17/3175441

Shepley House, Restmor Way, Hackbridge, SM6 7AH

- This 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)(England) Order 2015 (as amended).
 - The appeal is by Shepley Estates Limited against the decision of Sutton London Borough Council.
 - The application (ref: C2017/76515 dated 17 May 2017) was refused by notice dated 13 April 2017.
 - The development is described as requiring prior approval for 'a change of use from an office to a residential use providing 14 apartments'.
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Decision

1. I dismiss this appeal.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would accord with the requirements imposed under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), particularly in relation to the transport and highways impacts of the schemes.

Reasons

3. I saw that Shepley House is a modest, 2-storey, white painted office building dating from the 1960's. It is set back from Hackbridge Road amongst other undistinguished commercial structures on Restmor Way, a private 'industrial' cul-de-sac beside the overgrown banks of the River Wandle. There are 5 parallel parking spaces faintly marked out in the limited space between the façade of the building and the single pavement along Restmor Way.
 4. The Order narrowly confines the legitimate scope of proper consideration here. In this case, development under Class O is permitted, subject to an application for prior approval in relation to the 'transport and highways impacts of the development', together with an assessment of contamination, flood risks and noise. The Council explain that neither contamination nor noise is expected to be an issue and that flood risks need not be exacerbated, provided that the advice in the Flood Risk Assessment is followed. That just leaves the 'transport and highways impacts of the development' to consider.
 5. The Council's maximum requirement for car parking in places that are only moderately accessible (a PTAL score of 2 or 3, as here) is 1 off-street space per dwelling for 1 and 2 bedroom apartments. Hence, the Council suggest that 14 off-street spaces should be
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provided. As only 5 substandard spaces are available, there would be a shortfall of 9 spaces here, which could exacerbate pressure for parking in the surrounding streets. The London Plan indicates a slightly lower standard, but I can find nothing there, or anywhere else, to support the assertion that the 5 spaces provided would comply with the parking standards applicable. Even less so, because the spaces to be provided would be smaller than those normally required by the Council in parallel parking layouts and I consider that the difficulty of manoeuvring into such spaces could well curtail their effective utility.

6. A survey of available on-street parking spaces in the locality was undertaken on a couple of nights in January (25 and 26 January 2017 at 01:45 and 03:15, respectively). It was estimated that some 30 spaces might be available within 200m of Shepley House. In reality, however, I think that such a finding rather over-estimates the potential provision. First, the estimate is derived by assuming that 5m would suffice for an on-street car parking space. The Council require 6m to accommodate parked cars in parallel formation to allow room for manoeuvring in and out of such spaces. Hence, the 30 spaces enumerated would be, effectively, more like 25. Second, roughly 16 of the enumerated spaces available were counted in Corbett Close. I rather doubt that any of those spaces would be available once the 54 town houses in the Maple Grove development there are built and occupied. On-going construction work prohibits parking in Corbett Close now. And, as far as I can make out, what on-street parking there might be eventually, is likely to be for the use of prospective Maple Grove residents.
7. As a result, there may well be only 9 spaces available for any resident at Shepley House. Hence, even if the limited and substandard existing provision there were only to displace 9 cars on to the surrounding streets, such a demand would amount to 100% of the on-street provision likely to be available. The claim that a level of 85% would result in 'parking stress' becoming a cause for concern, due to prospective residents beginning to experience difficulty in parking, is evidence enough to demonstrate that this scheme would adversely affect the competition for on-street parking spaces here and thus fail to comply with policy DM22 (of the Site Development Plan) and policy BP12 (of the Core Planning Strategy). Worse still, the demand generated by this proposal would utilise over 95% of the enumerated spaces available and be in excess of what is taken to be the effective full capacity of the surrounding streets to absorb the parking that might be required. I consider that the frustration and inconvenience likely to be engendered could well lead to hasty and ill-considered manoeuvres or to illegal or inconsiderate parking that could, all too easily, result in road hazards.
8. I saw that cars were parked between the trees and undergrowth on the other side of Restmor Way above the banks of the River Wandle. However, those spaces are not under the control of the appellant and therefore they are not available to prospective residents. They appear to be subject to long term rental agreements with other landlords and 'defended' by threats of wheel clamping if used by unauthorised vehicles. Hence, in the circumstances that apply here, I am afraid that this scheme would be likely to exacerbate road hazards, contrary to the operative planning policies applicable. And, in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

David Cullingford
INSPECTOR