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## Appeal Decision

Site visit made on 23 October 2017

**by Richard S Jones BA (Hons) BTP MRTPI**

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

**Decision date: 27 October 2017**

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**Appeal Ref: APP/X5990/D/17/3180135**  
**30 Lancaster Mews, London W2 3QE**

- 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 Graham King against the decision of City of Westminster Council.
  - The application Ref 17/02271/FULL, dated 12 March 2017, was refused by notice dated 16 May 2017.
  - The development proposed is the conversion of garage into habitable space and replacement of garage door.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage into habitable space and replacement of garage door at 30 Lancaster Mews, London W2 3QE, in accordance with the terms of the application, Ref 17/02271/FULL, dated 12 March 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HYA 16032 (P) 1000; HYA 16032 (P) 500; HYA 16032 (P) 001; HYA 16032 (P) 002; HYA 16032 (P) 101; and HYA 16032 (P) 102.

### Preliminary matters

2. I note that the proposed drawings refer to an approval for the replacement of the garage door under planning permission reference 14/07992/FULL. At the time of my site visit it appeared that this had already taken place.

### Main Issue

3. The main issue is whether the proposal would add to the demand for on-street car parking in the area.

### Reasons

4. The appeal relates to a two storey, mid-terrace mews house, with additional accommodation in the roof space, located within a controlled parking zone.
5. The plans provided by the appellant show that the internal dimensions of the garage fall below the minimum size set out for domestic garages in the Council's Highways Planning Guidance. The appellant acknowledges that the

length has been curtailed as a result of not building in accordance with previously approved plans. Even so the restricted width would remain and the plans also show that the garage is slightly off-set at an angle from the front elevation of the dwelling.

6. Whilst reference is made to guidance prepared by Suffolk County Council and Leeds City Council, these are not applicable to this location and I have attributed little weight to them. Nevertheless, I acknowledge that the Council's own guidance is dated 2004 and the evidence is that car sizes have generally increased since that time. In this regard, the swept path analysis provided by the appellant shows what are described as medium sized family cars overhanging the front of the garage and the wing mirrors conflicting with the limited width of the garage entrance. Further evidence is provided that only one of the top 20 best-selling cars would fit within the existing garage space.
7. The fact that the appellant does not use the garage for car parking and instead uses a permit to park in a nearby residential bay, is not in itself a good argument in favour of the proposal as the option to utilise the garage would be permanently lost, as would the potential to remove existing on-street car parking. However, in this case, the size, shape and alignment of the garage is such that I accept that it would be very unlikely to be used for parking cars and in this regard is not fit for purpose. The existing situation would not therefore change and the proposal would not add to the demand for on-street car parking which would affect people already living in the area.
8. Moreover, the site has an excellent Public Transport Accessibility Level (PTAL) of 6b and is in walking distance of a good range of services and facilities. This is reflected in the evidence provided by the appellant that car ownership within the area is low. In such locations, table 6.2 of the London Plan states that all developments should aim for significantly less than one space per unit. The loss of a the car parking space is not therefore as critical as for a site with a lower PTAL level and with access to fewer services and facilities.
9. I therefore find that the particular circumstances of this case can be considered unique and to represent the exceptional circumstances necessary to satisfy the requirements of Saved Unitary Development Plan (UDP) Policy TRANS 23. Accordingly, I conclude that the proposal would not be contrary to Saved UDP Policies TRANS 23 or STRA 25, which, amongst other things, seek to ensure that adequate parking provision is provided.

#### *Other matters*

10. The appeal site is located within the Bayswater Conservation Area. The external alterations are essentially the replacement of the previous garage door with a garage door of a different design which is in keeping with the existing dwelling and surrounding mews character. Consequently, the effect would be to preserve the existing character and appearance of the Conservation Area.

#### **Conditions**

11. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Given that the external works have been carried out under a previous planning permission, a matching materials

condition is not necessary. Also, given the characteristics of the existing garage, I do not consider it would be reasonable to impose a condition that the property no longer qualifies for a residents parking permit.

**Conclusion**

12. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

*Richard S Jones*

INSPECTOR