



Appeal Decision

Site visit made on 24 October 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 1 November 2017

Appeal Ref: APP/H5390/W/17/3180054

Broadway Mansions, Effie Road, London SW6 1EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Lambert Pressland Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/05359/VAR, dated 12 December 2016, was refused by notice dated 13 February 2017.
 - The application sought planning permission for removal of existing pitched roof and replacement with a 2 storey roof extension (with upper floor set back) to provide 5 additional residential units, erection of a single storey glazed extension to the side of the building to provide a new entrance lobby, erection of metal cladding screening for plant and a/c units at the rear and external alterations to improve the appearance of the existing building, without complying with a condition attached to planning permission Ref 2015/02157/FUL, dated 5 January 2016.
 - The condition in dispute is No 3 which states that: *"No development shall take place until arrangements shall have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:*
 - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and*
 - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.**Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues."*
 - The reason given for the condition is: *"to protect the living conditions of existing and future residents."*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that removing the condition would have on the efficient operation of the highway network.

Background

3. The original planning permission was granted on appeal¹. The Inspector considered that condition 3 was reasonable and necessary given the parking congestion locally and the good availability of public transport. The Council, in their consideration of the application subject of this appeal, considered that removing the condition would increase traffic generation and congestion in a town centre location which already suffers from significant congestion. Although I have had regard to the Inspector's reasoning, I must primarily determine the appeal on the basis of the Council's reasoning for refusing the application.

Reasons

4. The site is located close to the town centre of Fulham which contains many shops and facilities including a small shopping centre and Fulham Broadway underground station. The junction of Fulham Broadway with Harwood Road is the major junction at the centre of the commercial area and Effie Road meets Harwood Road very close to this junction.
5. At my site visit I noted that Effie Road has a gate across it preventing it from being used as a through road to Barclay Road. As such any residents benefiting from parking permits and parking outside the flats would enter and leave Effie Road via its junction with Harwood Road. Although the volume of extra traffic that could be generated by the additional dwellings would be small compared to the traffic flows on the surrounding roads, any extra traffic would exacerbate existing congestion particularly due to its close proximity to the busy Fulham Broadway/Harwood Road junction.
6. Some residents may park on the other side of the gate across Effie Road, and indeed at my site visit I noted there was more parking space available here than in front of the site. Nonetheless, the access onto the local highway network from here would be at the junction of Barclay Road and Fulham Road which is also within the commercial centre, is close to the Fulham Road/North End Road junction and is busy with traffic. Again, although the volume of traffic that could be generated by the additional dwellings would be small compared to the existing volume of traffic nearby, it would exacerbate existing congestion.
7. Furthermore, the site is very well served by public transport being close to a number of bus stops on Harwood Road and Fulham Broadway, and Fulham Broadway underground station. In such locations it is appropriate to promote car free development or development with minimal car parking provision in order to encourage the use of public transport. I recognise there is some limited spare parking capacity on Elfie Road and Barclay Road, and that it is likely that few parking permits would be requested by future occupiers of the development. Nevertheless, by removing condition 3, the parking demand generated by the proposal would be unrestricted which would not advance the use of public transport.
8. Consequently, the removal of condition 3 would allow future residents to apply for parking permits which, I consider, would result in additional vehicles using already congested streets locally which would harmfully affect the efficient

¹ APP/H5390/W/15/3133658

operation of the highway network which serves local residents. I concur, therefore, with the previous Inspector that condition 3 is reasonable and necessary to protect the living conditions of existing and future residents.

9. Accordingly the proposal would conflict with the aims of reducing the impact of traffic congestion and reducing the need to travel by car as set out in the explanation to Policy T1 of the Core Strategy. It would also contrast with Policy 6.13 of the London Plan which seeks to prevent excessive car parking that undermines cycling, walking and public transport use.
10. Policy DM J2 of the Development Management Local Plan and Transport Policy 4 of the Planning Guidance Supplementary Planning Document, referred to in the Council's decision, relate specifically to ensuring development is sufficiently served by parking. I find no conflict with these policies.
11. The Council raise no objection to the effect of the development on the character and appearance of the Walham Green Conservation Area, and I have no reason to arrive at a different view.

Conclusion

12. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed and the condition retained in its original form.

Andrew Owen

INSPECTOR