



Appeal Decision

Site visit made on 21 February 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2018

Appeal Ref: APP/N5660/W/17/3180293

142 Norwood Road, Tulse Hill, London SE24 9AY

- The 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 M of the Town and Country Planning (General Permitted Development)(England) Order 2015 as Amended (GPDO).
 - The appeal is made by Mr Nowsad Gani against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 17/01725/P3M, dated 6 April 2017, was refused by notice dated 27 June 2017.
 - The development proposed is change of use of whole ground floor from A2 retail use to one 2 bedroom 3 person flat in Use Class C3 as shown on attached drawing AM142/01.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3 and Schedule 2, Part 3 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of whole ground floor from A2 retail use to one 2 bedroom 3 person flat in Use Class C3 at 142 Norwood Road, Tulse Hill, London SE24 9AY in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 3, Paragraph W(2) of the GPDO and subject to the following conditions:
 - 1) The development hereby approved shall be completed within a period of three years starting with the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the approved plan reference AM142 NR Rev B.
 - 3) The building which has changed use under this approval shall be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
 - 4) Prior to the first occupation of the dwelling hereby approved details of the siting and means of enclosure of refuse/recycling bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the first occupation of the development and thereafter retained for their designated purpose.
 - 5) Prior to the first occupation of the dwelling hereby approved details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the first
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occupation of the development and thereafter retained for their designated purpose.

Preliminary Matters

2. The description of development used in the heading above is taken from the application form and refers to a drawing number which is not consistent with the application submission. I have, therefore, omitted this reference, and the remainder of the text which does not describe acts of development, from paragraph 1 above.
3. The application form states that approval is sought for change of use 'and for 'Associated Operational Development'. Therefore, notwithstanding that no external alterations are proposed, I have taken the proposal to be an application under Class M(a) and (b).
4. The provisions of Class M of the GPDO require the local planning authority to assess the proposed development on the basis of transport and highways impacts; contamination and flooding risks; whether it is desirable for the building to change use because of the impact on the provision of services of the sort that may be provided by A1 or A2 uses or the sustainability of a key shopping area as well as design or external appearance. Regard must be had to any representations received and the National Planning Policy Framework insofar as they are relevant. My determination of this appeal has been made in the same manner.

Main Issue

5. The main issue in this case is the effect of the proposal on transport and highways.

Reasons

6. The proposal does not provide any on-site parking. However, the site is within convenient walking distance of Tulse Hill railway station and a good range of local services and facilities. The location has a PTAL rating of 6a which is considered to be excellent.
7. The appeal site is within a Controlled Parking Zone and the Council considers that, in the absence of a Planning Obligation to prevent future occupiers from applying for parking permits, the proposal would lead to parking stress. Neither party has produced a parking survey or any other substantive evidence on the availability and level of usage of parking in the area. Nor has the Council produced any evidence to show that parking stress has led to problems with highway safety or convenience.
8. Mixed parking permit and pay parking is available nearby in Romola Road. At the time of my site visit it was well used, although spaces were available. I recognise that this is only a snapshot of the position. However, the appellant argues that the existing use of the property would allow an unrestricted number of business parking permits and that the amount of parking demand associated with the existing use would exceed that generated by the proposed residential use. As such, there would be a reduction in parking demand.
9. The appellant has also submitted a revised plan (Drawing ref AM142 NR Rev B) which shows secure cycle storage in the front courtyard of the property. The

Council had an opportunity to comment on this plan through the submission of an appeal statement. The location proposed for the cycle storage is within the application red line boundary. Details and implementation of the cycle parking could, therefore, be secured by condition. This would overcome the Council's second reason for refusal. It would also help to limit the parking demand generated by the proposal.

10. Taking all of these considerations into account, I find that it has not been adequately demonstrated that the parking demand generated by the proposed single, two bedroom flat would increase parking stress in the area to the point where it would pose a risk to highway safety or convenience.
11. Consequently, I find that the proposal would not have a harmful effect with regard to transport and highways matters. In reaching this conclusion, I have had regard to Policy D4 of the Lambeth Local Plan 2015 (LP) which seeks Planning Obligations to mitigate the impact of development through, amongst other things, parking restrictions; Policy T7 which seeks car free development, particularly in areas of high public transport accessibility and London Plan 2016 Policy 6.13 which sets out parking standards. That policy seeks up to one space for residential development in locations with a PTAL rating of 5 to 6. I have also taken into account (LP) Policy T7 which seeks to ensure that proposals do not have unacceptable impacts on highway safety, traffic flow or on-street parking.

Other Matters

12. Concerns has been expressed by a neighbouring occupier regarding the absence of soundproofing between the appeal premises and the basement flat leading to noise impacts water ingress, as well as poor workmanship in previous refurbishment works and waste materials being left at the site. The approval sought in this appeal only allows the matters specified in paragraph 4 above to be taken into account. The concerns expressed by the neighbouring occupier fall outside of the scope of those matters and, therefore, I am not able to take them into account.

Conditions

13. In accordance with Clause M.2(3) of the GPDO the development must be completed within three years of the prior approval date and the change of the building must be restricted to Class C3 of the Use Classes Order and any ancillary purpose. I have imposed conditions accordingly. Since there has been an amendment to the submitted plan, a condition specifying the approved plan is necessary in the interests of certainty.
14. The officer's report for the application refers to the use a condition requiring further details of refuse/recycling storage. This is necessary in the interests of design. I have also found that a condition to secure details and implementation of cycle parking is necessary in the interests of transport impact.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

Simon Warder

INSPECTOR