



Appeal Decision

Site visit made on 16 July 2019

by Jan Hebblethwaite MA, Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/E5330/W/19/3226627

97 Charlton Church Lane, Charlton SE7 7AB

- 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 Mr & Mrs Coldham against the decision of the Royal Borough of Greenwich.
 - The application Ref 18/4369/MA, dated 14 December 2018, was refused by notice dated 8 February 2019.
 - The application sought planning permission for the conversion of a 3-bed dwelling into a 1-bed flat at lower ground and a 3-bed triplex apartment at ground, first and loft floors without complying with a condition attached to planning permission Ref 18/2926/F, dated 19 October 2018 (the Permission).
 - The condition in dispute is No 5 which states:
Both residential units hereby approved shall not be occupied until arrangements have been made to secure the development as 'car-free' in accordance with a detailed scheme or agreement which must be approved in writing by the local planning authority. The approved scheme or agreement must ensure that:
 - *all future occupiers of the approved development cannot 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);*
 - *all occupiers of the approved development are required to surrender any such permit wrongly issued or held; and*
 - *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 promoted (*sic*) sustainable transport by reducing the need for car travel and to ensure compliance with Policy 6.13 of the London Plan and Policies IM1 and IM(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a 3-bed dwelling into a 1-bed flat at lower ground and a 3-bed triplex apartment at ground, first and loft floors 97 Charlton Church Lane, Charlton SE7 7AB in accordance with the application Ref 18/2926/F made on the 14 December 2018 without complying with condition No 5 set out in planning permission Ref 18/2926/F granted on 19 October 2018 by the Royal Borough of

Greenwich Council, but otherwise subject to the following conditions being conditions 1 to 4 from the original permission and a revised condition 5:

Condition 1

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

97CCL-EX-001 Rev B, 97CCL-EX-101 Rev B, 97CCL-EX-102 Rev B, 97CCL-EX-103 Rev B, 97CCL-EX-104 Rev B, 97CCL-EX-105 Rev B, 97CCL-EX-106 Rev B, 97CCL-P-101 Rev B, 97CCL-P-102 Rev B, 97CCL-P-103 Rev B, 97CCL-P-104 Rev B, 97CCL-P-105 Rev B, 97CCL-P-106 Rev B and Design & Access Statement

Condition 2 Materials

The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building unless otherwise stated on the approved drawings. All new works and works of making good to the retained fabric shall be finished to match the adjacent work.

Condition 3 Sound Insulation

No development shall take place until a detailed scheme of noise insulation measures for all divisions (walls and/or floors) separating the two proposed residential properties, has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +10dB above the Approved Document E standard (Dwelling houses and flats) for airborne sound insulation and -10dB for impact sound insulation. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Condition 4 Cycle Parking Provision

- a. A minimum of 3 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- b. Both dwelling units approved will not be occupied until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- c. All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Condition 5 – Car parking

No occupation of either residential unit hereby approved shall take place until a detailed scheme or agreement has been submitted to and approved in writing by the local planning authority. The submitted scheme or agreement must ensure that:

- only one on-street parking permit authorising the parking of one vehicle is held at any one time for all future occupiers of the approved development (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation);

- all occupiers of the approved development are required to surrender any permit which authorises the parking of a second or subsequent vehicle; and
- 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.

Main Issues

2. The main issue in this appeal is whether the removal of condition 5 would lead to increased on-street parking demand in Charlton Church Lane and adjoining streets.

Reasons

3. The appeal site is a semi-detached house converted (or to be converted) into two flats under the Permission. The appeal site has one off-road car parking space and is within a controlled parking zone (CPZ).
4. Outside the appeal site and for a considerable distance each way, Charlton Church Lane has single yellow line parking restrictions which prevent parking from 8am to 6.30pm on Mondays to Saturdays. On the opposite side of the road, there are a number of parking bays which are available to permit holders and to other vehicles, although cars without permits are limited to a maximum parking time of two hours with no return within three hours. At the time of my visit at 10am on a Tuesday morning, there was an intermittent stream of traffic along Charlton Church Lane, which is a bus route and I noted that a relatively high proportion of the passing vehicles were vans and small lorries. In the road opposite the appeal property, parking bays reduce the width of the road such that two vehicles cannot pass.

On Street parking

5. The appeal site is within walking distance of Charlton train station and is on a bus route. As such, it has a high level of accessibility to public transport (PTAL level 5, with the highest level being 6b). The Appellant states that properties close to the appeal site have a PTAL of 3 or 4. However, the appeal site is within the PTAL 5 area and I am satisfied from my own observations that the site has good levels of public transport accessibility.
6. I saw on my site visit that there were a few empty spaces in the parking bays in Charlton Church Lane, but that is not surprising in view of the time and day of my visit. I noted that in the surrounding streets, there were no spaces available and I have no reason to disagree with the Council's view that there is a high demand for kerbside parking and that additional development would be likely to add to that demand.
7. The Appellant's planning statement includes a photo of a parking permit authorising on-street parking, although this expired on 10 July 2019. Although the permit records two vehicle registration numbers, it authorises the parking of one or other of them. On that basis the property before conversion had one on-site space and one permitted kerbside space.
8. Policy 6.13 of the London Plan and the parking appendix which were in force at the time of the grant of the Permission, set parking standards for residential development. The table in the appendix shows that "up to one space per unit"

is the standard for residential development in the area of the appeal site. The Maximum Parking Standards table shows that for units with 3 bedrooms, the maximum is "up to 1.5 spaces" and for 1-bedroom units, the maximum is "less than one unit". However, the note to the table advises that in areas with a good PTAL, developments should aim for significantly less than 1 space per unit. I see that the note makes no allowance for different sizes of units. Therefore, the maximum spaces which the development could provide under the London Plan is two.

9. Policy IM(c) of the Royal Greenwich Local Plan Core Strategy also deals with parking standards and requires that developments in areas of high public transport accessibility and in a CPZ should be car free. This goes further than Policy 6.13 of the London Plan and was also in force at the time of the grant of the Permission.
10. The Appellant makes the point that the property had two spaces before the conversion and under the London Plan, could also have two spaces after the conversion. On that basis, there would be no net increase in demand for on-street parking as a result of the development, provided the Permission includes a condition which restricts the residents from applying for more than one parking permit for one vehicle. I attribute significant weight to the existence of the current permit in this particular case in reaching my decision.
11. Kerbside parking is at a premium in the area and I conclude that such a condition is necessary, relevant to planning and to the development and is reasonable.

Other Matters

12. The Council is of the view that to allow a relaxation of Condition 5 would be to set a precedent for similar applications on other sites, with serious consequences for parking demand. Each application would need to be determined on its own facts but in this case, if the parking permit is restricted to one for the whole property, there would be no net increase in parking demand brought about by the development. For that reason, the varied condition 5 would not set a precedent for applications which seek to remove the "car free" condition on other permissions. I have determined this appeal on its merits and on the basis of the evidence before me.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed but with a replacement condition 5.

Jan Hebblethwaite

INSPECTOR