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## Appeal Decision

Site visit made on 1 October 2019

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 October 2019**

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**Appeal Ref: APP/E5900/W/19/3234075**

**3 Storers Quay, London E14 3BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Dr Yile Wu against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/19/00631, dated 19 March 2019, was approved on 22 May 2019 and planning permission was granted subject to conditions.
  - The development permitted is conversion of a garage to habitable space.
  - The condition in dispute is No 3 which states that: The habitable space hereby permitted shall not be first occupied until a scheme to secure the occupation of the site as a car-free development has been submitted to and agreed in writing by the local planning authority. The scheme shall make explicit that all occupiers of the development (not being holders of a disabled person's badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation) including all such future occupiers, shall not apply for or hold an on-street parking permit to park a vehicle on public highway at any time within the administrative district of the local planning authority. Any permit that is issued to or held by any occupant of the development shall immediately be surrendered to the local planning authority. The restrictions and requirements of the scheme shall apply to and be communicated to all future occupiers of the development including successors in title as well as any person occupying the premises as a tenant or licensee. The scheme shall be in place prior to first occupation of the development and retained in force thereafter.
  - The reason given for the condition is: To promote sustainable transport by reducing the need for car travel, and to reduce pressure for on-street car-parking in accordance with the requirements of policy SP09(4) of the Tower Hamlets Core Strategy 2010.
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### Decision

1. The appeal is allowed and the planning permission Ref PA/19/00631 for conversion of a garage to habitable space at 3 Storers Quay, London E14 3BZ granted on 22 May 2019 by Council of the London Borough of Tower Hamlets, is varied by deleting condition 3.

### Background and Main Issue

2. The permission has been implemented and the original integral garage to the house converted into living accommodation, with the garage doors replaced by an additional door and window. An external parking space still remains in front of the converted part of the dwelling. The main issue is whether the condition requiring a scheme to secure the dwelling as a car-free development is reasonable and necessary in the interests of promoting sustainable transport by reducing the need for car travel and in order to reduce pressure for on-street car-parking.

## Reasons

3. The appeal property is part of a street containing pairs of houses connected originally by adjoining integral garages with roof space accommodation above. Some of the other dwellings have already converted their integral garages into habitable rooms.
4. I am aware from the evidence provided that permitted development rights were removed for the wider residential estate of which this street of houses forms a part. I am not aware of the same condition as contested in this appeal having been imposed on planning permissions granted at nearby addresses. Furthermore, regardless of the permission granted in this case and from the evidence before me, there would have been no powers for the Council to have previously required the integral garage to be used to park a car. In my view, the integral garage could have become a habitable space or used for domestic storage without planning permission and never used to accommodate a vehicle.
5. Policy SP09 of the Council's Core Strategy promotes car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport. The appeal site has good access to public transport and there appeared not be a high level of on-street parking stress in this area. Policy SP09 is broadly consistent with the objectives of the National Planning Policy Framework (the Framework) to foster sustainable development and transport modes. The Framework advises the consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions, but that these should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
6. The objectives behind the appealed condition might be acceptable in principle and appropriate in other cases. However, in the circumstances described, such a car-free requirement would not meet the Framework tests for conditions being either reasonable or necessary to make a particular proposal acceptable.

## Conclusion

7. For the reasons given, I therefore conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR