



Appeal Decision

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/N5660/W/19/3242895
112-113 Lower Marsh, London SE1 7AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Danish Hanif Drum Investments Ltd. against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02617/DET, dated 15 July 2019, sought approval of details pursuant to planning permission 15/03786/FUL granted on the 13 October 2016.
 - The application was refused by notice dated 10 September 2019.
 - The development proposed is for Erection of a first floor single storey rear extension to provide a self contained 2-bedroom flat, with the repositioning of existing condensers.
 - The details for which approval is sought is Condition No. 3 which states that: Prior to the first occupation of the residential unit hereby permitted, details of the provision to be made for secure cycle parking for a minimum of two cycles for each flat shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details before the flats hereby permitted are first occupied and shall be retained solely for its designated use.
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Decision

1. The appeal is allowed and the cycle store and location details submitted to condition No 3 attached to planning reference 15/03786/FUL granted on 13 October 2016 in accordance with the application dated 15 July 2019 and the plans submitted with it are approved.

Procedural Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available.
3. The appellant's name on the submitted appeal form is different to that listed on the Council's application form. However, the company name is confirmed by the appellant as Drum Investments Limited and I proceed on that basis.

Main Issue

4. The main issue is whether the proposed cycle storage would make adequate provision in respect of location and type.

Reasons

5. The Council's concerns relate to the accessibility of the cycle storage at first floor, which would require the transport of bicycles up a flight of stairs, the type of storage, and it would require vertical lifting of the bicycle into the unit.
6. Cycle storage has been integrated into the original scheme in accordance with the requirements of the Lambeth Local Plan 2015 (LP) Policy Q13. The Council's delegated report makes no mention that the location, as demonstrated on the approved plan as '*six individual bike storage boxes*' was not acceptable. This report only explains the Council's Transport Officer's preference for horizontal cycle storage.
7. Although the cycle stores are not accessed from outside the building, and is non-compliant with this part of Policy Q13, I am satisfied that in respects of the remaining criteria of Q13 (a), the proposed individual lockers would be inclusive, secure, safe, and robust.
8. Whilst eight cycle stores would be provided, and this exceeds the expectations of the condition, I do not find this to be problematic. Although bikes would need to be lifted into their storage place, prospective occupiers of the development would be aware of the facility and any associated limitations, before choosing to live within the property as well as the accessibility to the storage bays at first floor level.
9. I am aware of the previous appeal decisions although they were determined post this approved development. Both Inspectors dismissed the appeals for a number of reasons, although cycle storage location has been raised. These appeals are not directly comparable as these schemes were both refused permission whilst this scheme before me was approved, with the approved plans demonstrating the location of cycle storage. In any event, I have determined the appeal on its own merits based on the information before me.
10. I have had due regard to the London Design Standards, and consider the proposal meets these cycle parking standards on this occasion. The proposal also meets the requirements of the Lambeth Local Plan 2015 Policy T3 in its requirement for development to provide cycle parking facilities, amongst other matters, and Policy T6 to support development that does not have unacceptable transport impacts, and where it does, provides improvements to make development acceptable. Finally, the proposal on the whole, satisfies the criteria of cycle storage within Policy Q13 of the LP.

Conclusion

11. The appeal is allowed.

Alison Scott

INSPECTOR