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## Appeal Decision

Site visit made on 3 September 2020

**by L J O'Brien BA (Hons) MA MRTPI**

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

**Decision date: 21<sup>st</sup> October 2020.**

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**Appeal Ref: APP/K5600/D/20/3251705**

**7 The Little Boltons, London SW10 9LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Q Dreesmann against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref PP/19/06740, dated 2 October 2019, was refused by notice dated 6 February 2020.
  - The development proposed is erection of a crossover.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the provision of parking in the area.

### Reasons

3. The appeal property, 7 The Little Boltons, is a residential property with no existing off-street parking. The property has an existing area of hardstanding to the front with an associated opening within the boundary treatment. The Little Boltons is a residential street with a number of on-street car parking bays in combination with single and double yellow lines.
4. The proposal is for the erection of a crossover to allow vehicular access to an area of hardstanding at the front of the property in order to facilitate its use as an off-street car parking space. If permitted the development would result in the loss of an on-street car parking space.
5. Policy CT1 of The Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP) states that the Council will require it to be demonstrated that development will not result in any material increase in traffic congestion or on-street parking pressure. This requirement is further outlined in The Royal Borough of Kensington and Chelsea Transport and Streets Supplementary Planning Document, April 2016 (SPD). The SPD states that crossovers will not gain consent if they increase pressure on on-street parking spaces.
6. An independent parking survey was carried out in accordance with the 'Lambeth' methodology which is generally relied upon by London Boroughs in determining overnight parking stress. The parking analysis showed that the total parking stress was 89% for the survey area.

7. These overnight figures also reflect my observations on site during the day. At the time of my site visit parking pressure in the area appeared high; in the immediate and wider area I identified only a very limited number of on-street parking spaces available.
8. Though I note that there would be no overall net increase or loss of parking; the parking space which would be created would be solely for the use of the appellant and a 'public' parking space would be lost. In my view, the loss of an on-street space that is widely available would, indeed, lead to an increase in on-street parking pressure in an area where there is an existing high demand for parking.
9. Furthermore, the guidance set out within the SPD suggests that crossovers which result in the loss of on-street parking without a net gain of at least two parking spaces overall (taking account of both off-street and on-street parking spaces) will generally be those which would increase pressure on on-street parking and would, therefore, be refused planning permission.
10. In order to ensure compliance with the SPD, the appellant has suggested a form of mitigation which would provide a net-gain of two parking spaces when both on-street and off-street spaces are taken into account. The RGP Technical Note dated June 2019 which was submitted with the application shows where small increases in the size of other nearby parking bays would facilitate the provision of an additional two on-street parking bays. The appellant has suggested that a legal agreement between the parties could be used to secure the amendments.
11. However, I have not been provided with such a legal agreement and the Council are clear that, in their view, the proposed measures are not achievable and, moreover, are not within the gift of the appellant. I do not therefore consider that the proposed mitigation is a realistic prospect.
12. For the reasons set out above, I consider that the proposal would cause harm to the provision of parking in the area. Consequently, the development would fail to accord with Policy CT1 of the LP and the SPD which, together, seek to prevent development which would increase on-street parking pressure.

### **Other Matters**

13. The appeal property is within the Boltons Conservation Area (CA). I note that the parties are in agreement that the proposal would preserve or enhance the character or appearance of the CA and I agree with this assessment. I also note that no objection has been made to the proposal on safety grounds. These factors, however, are neutral and are not benefits which would add weight in favour of the proposal. They would not, therefore, outweigh the harm I have identified.

### **Conclusion**

14. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above I conclude that the appeal should be dismissed.

*L J O'Brien*

INSPECTOR