

Appeal Decision

Site visit made on 29 October 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14/01/2021

Appeal Ref: APP/H5390/W/20/3244349

Lower Ground Flat, 44 Chesson Road, London W14 9QX

- 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 Dimitri Panaretos against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2019/02508/VAR, dated 22 August 2019, was refused by notice dated 28 October 2019.
 - The application sought planning permission for the conversion of the property to use as three self contained flats, erection of additional floor at roof level, rear extension at first floor level and a single storey rear extension without complying with a condition attached to planning permission Ref 2006/03101/FUL, dated 3 January 2007.
 - The condition in dispute is No 2 which states that: The occupiers of the two one-bedroom flats at lower ground floor level hereby approved (flats "A" and "B" indicated on approved drawing PL_50A, as revised 20 December 2006), shall not be entitled to a car parking permit from the Council to park upon the public highway within the local controlled parking zone.
 - The reason given for the condition is: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies HO3 and TN15 and standards S8.2 and S18.1 of the Unitary Development Plan.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of removing the disputed condition on the provision of car parking in the area.

Reasons

3. The appeal site relates to a lower ground floor flat in a terrace on Chesson Road, which links to the B317 North End Road at its eastern limit. The thoroughfare comprises of residential properties and lies within a controlled parking zone.
 4. The Council states that the street is under "parking stress" and that entitlement to a parking permit would generate a significant level of demand in respect of on-street car parking in the immediate vicinity of the application site.
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5. This was confirmed at my site visit where many of the residential permit parking spaces were occupied at the time of my site visit (in early afternoon), when I would have expected more to be available. The appeal site has a high Public Transport Accessibility Level (PTAL) of 5 indicating that connection to public transport is very good. There are also a large number of services and facilities, including shops, along North End Road.
6. I have not been provided with information, for example in the form of a parking survey, to demonstrate that the existing parking capacity of Chesson Road or the surrounding streets can accommodate the resulting increased parking demands. I am also aware that the proposal would undermine the Authority's objectives to encourage modal shift away from private vehicles and supporting sustainable forms of travel to minimise congestion and address the environmental impacts of travel. In the absence of any compelling evidence, and given the "parking stress" in the area, I consider that the Council's concerns are valid and that the restriction on a car parking permit for occupiers of the property remains necessary.
7. I conclude that the proposal would be harmful to the provision of car parking within the area. It would conflict with policies HO2, T1 and T4 of the Hammersmith and Fulham Local Plan 2018 and Key Principle TR3 of the Planning Guidance Supplementary Planning Document (2018), which seek to promote and support initiatives to encourage sustainable means of transport and require that development in areas well connected by public transport will be expected to be car-free, with no parking provided, to ensure that parking stress is not exacerbated.

Other Matters

8. I sympathise with the appellant's individual circumstances, however the appeal proposal relates to a permanent situation that would clearly outlast any personal needs of this nature. As such the matters advanced do not outweigh the harm that I have explained.

Conclusion

9. I conclude that the appeal should be dismissed.

C Hall

INSPECTOR