



Appeal Decision

Site visit made on 11 February 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021.

Appeal Ref: APP/F5540/W/20/3261010

203 Swan House, Swan Road, Feltham, TW13 6LL

- 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 P Hoffman against the decision of London Borough of Hounslow.
 - The application Ref 01100/A/P23, dated 9 April 2020, was refused by notice dated 13 August 2020.
 - The development proposed is retrospective application for installation of hard standing around south eastern side of the site; three vehicle parking spaces and eight bicycle parking in addition to landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development on the application form is slightly different to that on the decision notice. I have adopted the latter as it more accurately describes the proposal.

Main Issue

3. The main issue is whether the proposed increase in car parking would be justified, with particular regard to the policies of the development that seek to promote more sustainable forms of travel.

Reasons

4. Policy EC2 of the London Borough of Hounslow Local Plan (Local Plan) seeks to secure a more sustainable local travel network that maximises the opportunities for walking, cycling and use of public transport, and thus reduces congestion. This is to be achieved through a number of measures including the adoption of the car parking standards of the London Plan, which under Policy 6.13 set out the maximum number of spaces to be provided with new development.
5. The Council contend that the existing level of car parking on the appeal site already exceeds the maximum standards set out in the London Plan and that no justification has been provided for a further increase in on site parking. This assessment is based, in part, on the Application Form which indicates that there are 37 existing car parking space on the appeal site. The Appellant has not challenged the Council's assessment or provided any policy justification for

the increase in parking. Instead, the Appellant argues that the hardstanding, for the additional car parking, could be created under permitted development and that there is therefore a legitimate fall-back position that should be accorded weight in determining this appeal.

6. I note that the Appellant submitted a Certificate of Lawful Development to the Council seeking confirmation that the installation of hardstanding, for the car parking, would be permitted development as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, and therefore lawful. I have not been provided with any detail of whether this application has since been determined.
7. However, whether the proposed hardstanding, for the car parking, is permitted development and thus lawful or not, is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. I can only determine the appeal on the basis of what has been applied for, namely, an application seeking retrospective permission for the installation of hardstanding for additional car parking and cycle parking. Also, as I have not been provided with a Certificate of Lawful Development to confirm that the proposed hardstanding area, for the additional car parking, would be lawful, I am unable to attach any weight to the potential fall-back option in determining this appeal.
8. Based, therefore, on the evidence before me I find that the appeal proposal would lead to an overprovision of car parking spaces on the appeal site, that in turn would encourage further use of the private car and would fail to promote more sustainable modes of travel such as walking, cycling and the use of public transport. In addition, no policy or other planning/highway justification has been provided to support the proposed increase in car parking spaces.
9. Whilst I accept that the proposed cycle parking would promote more sustainable forms of travel, the provision of these spaces is not sufficient to outweigh the harm that results from the additional car parking spaces and the clear conflict that arises in this respect with the policies of the development plan. In addition, the 'Notes' to policy EC2 indicate that all cycle parking should be covered, secure and easily accessible, whereas the proposed cycle spaces would be remote from the main office building entrance, they would not benefit from natural surveillance and, based on the plan submitted, they would not be covered.
10. Accordingly, I find that the appeal proposal would be contrary to policy EC2 of the Local Plan and Policy 6.13 of the London Plan. The Council's reason for refusal also refers to policy EC1 of the Local Plan, but as this relates to 'Strategic Transport Connections', it is not, in my opinion, directly relevant to this appeal.

Conclusions

11. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR