



Appeal Decision

Site visit made on 5 February 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2021

Appeal Ref: APP/C5690/W/20/3258892

Rear of 49 Beacon Road, Hither Green, LONDON, SE13 6ED

- 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 M Felsch against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/20/116947, dated 5 June 2020, was refused by notice dated 6 August 2020.
- The application sought planning permission for the partial demolition of existing building and structures, alterations to the retained part of the building, and the erection of an attached two storey building with accommodation in the roofspace to form a terrace of 5 dwellings comprising 3 no. three bed houses, 1 no. two bed house and 1 no. one bed duplex flat with associated re-surfacing of access, landscaping, new entrance gates, bin store and cycle store at land to the rear of 49 Beacon Road, SE13 without complying with a condition attached to planning permission Ref DC/19/111283, dated 3 May 2019.
- The condition in dispute is No 12 which states that: Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any Controlled Parking Zone (CPZ) which may be in force in zone H: Hither Green West or any adjoining CPZ at any time.
- The reason given for the condition is: The development is in a location that is easily accessible by public transport, near a range of amenities, including shops and leisure facilities, and within a Controlled Parking Zone, coupled with the requirements of the Core Strategy Policy 14 and paragraphs 102, 103 and 107 of the National Planning Policy Framework 2019.

Decision

1. The appeal is allowed and the planning permission Ref DC/19/111283, for the partial demolition of existing building and structures, alterations to the retained part of the building, and the erection of an attached two storey building with accommodation in the roofspace to form a terrace of 5 dwellings comprising 3 no. three bed houses, 1 no. two bed house and 1 no. one bed duplex flat with associated re-surfacing of access, landscaping, new entrance gates, bin store and cycle store at land to the rear of 49 Beacon Road, Hither Green, London, SE13 6ED granted on 3 May 2019 by the Council of the London Borough of
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Lewisham, varied by deleting condition No 12. All other conditions on DC/19/111283 are continued in full force and effect.

Main Issue

2. The main issue is the effect of the proposal on parking stress within the locality.

Reasons

3. The appeal site is located on the northern side of Beacon Road, and comprises a former joinery workshop building with work underway on the approved residential development. The site is accessed through a gated undercroft beneath dwellings that front this primarily residential road. The majority of on-street parking locally is resident permit controlled. The condition in dispute prevented would-be residents of the redevelopment scheme, other than disabled people, from applying for a resident's permit; the Appellant would now wish for that restriction to be removed.
4. The Council concludes in the officer report that adequate evidence has not been presented to suggest that the removal of condition would not have an impact on the function and safety of the local area. The Decision Notice thus highlights that there is insufficient information to demonstrate that the removal of the condition would not have a negative impact on parking stress in the local area.
5. From my reading of the evidence and my visit to the locality I would assess that, other than at certain school related times, the area does not have any great shortfall of on-street parking in permit-controlled spaces. On the contrary there are clearly times when availability of spaces well exceeds demand. In practical terms I would not class this locality as an area of parking stress at present and even if there was take up of resident's permits from within the 5 home development my assessment is that stress would not arise. It also has to be born in mind that not every household is likely to wish to apply for a permit given car ownership rates, the accessibility of public transport, the inclusion of initial car club membership as part of the development, and good levels of cycle storage.
6. Aside from the direct parking issue the Council and some local residents clearly and understandably have a wish to reduce car usage and ownership as a generality partly in order to seek to lower pollution and congestion, and to in parallel encourage sustainable modes of travel. However, planning policies are not presently explicit on the 'banning' of car ownership. Furthermore, in this instance there were business premises which would have generated parking and vehicle usage and a permitted scheme (via prior notification ref: DC/18/108911) which as a fall back would have seen 4 dwellings with no car related restrictions. No highway related local authority concerns or objections were raised in respect of that scheme. No severe impacts were identified and I would reach the same view on the current proposal. I have no sense that the locality is unusual or a particularly dangerous one in terms of vehicular conflict or car, pedestrian and cycle interactions. Road widths, visibilities, junction layouts, and footway provision would all appear to be reasonable.

7. The terms for issuing permits on a neighbourhood wide basis when any applications are made rests with the Council but the ability to make such an application has at this stage, in this instance because of the specific circumstances appertaining, been overly-restrictive in the planning process.
8. The Council cites Lewisham Core Strategy (June 2011) CS Policy 14 'Sustainable movement and transport'; Development Management Local Plan (November 2014) DM 29 Policy 'Car parking' and London Plan (March 2016) Policy 6.13 'Parking'. Taken together and amongst other matters these policies provide a degree of flexibility on the issue of car parking, seeking to reasonably manage this matter, encouraging car clubs, allowing for car free development in certain circumstances but not requiring such an approach, and always aiming to prevent undue detriment to the provision of on-street parking in a locality. I conclude that the proposal would not conflict with these policies.
9. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on parking stress within the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR