



Appeal Decision

Site Visit made on 3 February 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/L5810/W/20/3261229
18-22 Church Street, Hampton, TW12 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Brayground Limited against the decision of Richmond Upon Thames London Borough Council.
- The application Ref 20/1696/GPD15, dated 16 June 2020, was refused by notice dated 7 August 2020.
- The development proposed is conversion of offices (Use Class B1a) to 14 flats (Use Class C3).

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for conversion of offices (Use Class B1a) to 14 flats (Use Class C3) at 18-22 Church Street, Hampton, TW12 2EG. This is in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph O.2 of the GPDO through application, Ref 20/1696/GPD15, dated 16 June 2020. The approval is subject to the condition that the development must be completed within a period of 3 years starting with the date of this decision in accordance with Paragraph O.2(2) of the GPDO and subject to the additional conditions set out in the attached schedule.

Applications for costs

2. The appellant has made an application for an award of costs against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Council approved a subsequent application for 13 flats at the site subject to a completed Unilateral Undertaking precluding future residents from obtaining permits for a controlled parking zone¹. The appellant has submitted a similar Unilateral Undertaking with the current proposal.
4. The Council accepts that the proposal is permitted development under Class O but contends that prior approval should be refused in relation to parking issues arising from the transport and highways impacts of the development.

Main Issue

5. The main issue therefore is the acceptability of the likely parking impacts.

¹ Application 20/2805/GPD15 approved in December 2020.

Reasons

6. The proposal is to convert a three storey U-shaped building to dwellings. Three on-site car parking spaces would be retained at ground floor level and places for 28 cycles provided. The site is close to bus routes but with a PTAL of 2 has relatively poor access to all public transport. According to the Council's parking standards 14 car parking spaces should therefore be provided, resulting in an overspill of 11 vehicles needing to park on streets nearby.
7. The applicant submitted an off-site parking assessment, completed in accordance with the Lambeth Parking Survey Methodology (2012), carried out between 00.30 and 05.30 on 11 and 12 June 2020 on all streets within 200m walking distance of the site. This showed 99 on-street, unrestricted car parking spaces within the 200m, and an average parking stress level of 65% equating to approximately 35 available car parking spaces. Even if spaces with single yellow line restrictions (unrestricted overnight) were removed from the assessment, there would remain available spaces for 17-18 cars.
8. The Council accepted these findings but still refused the application for the absence of an agreement to exclude occupants from obtaining an on-street parking permit within any controlled parking zone (CPZ) implemented in the future. Following an unfavourable residents' consultation response to a CPZ proposal for the area the Council took a decision in May 2020 not to proceed with the CPZ. Nonetheless, the Council does not discount a CPZ being introduced at some point and wishes to maintain control to mitigate the impact of possible on-street overspill parking on surrounding streets.
9. The units proposed would all be small. In the unlikely event that all occupiers would own a car, the survey results clearly indicate sufficient on-street parking capacity to absorb overspill parking. The CPZ consultation decision indicates no immediate desire from local residents or from the Council to implement a CPZ. Current information indicates that no material harm would arise if the proposal were to be implemented without a planning obligation on parking permits even if a CPZ were to be agreed in the future. Paragraph 56 of the National Planning Policy Framework (the Framework) confirms that a planning obligation should only be sought when it is necessary to make the development acceptable in planning terms. Accordingly, the planning obligation submitted with the proposal is not necessary, notwithstanding the inclusion of such an obligation with the recent approval for 13 flats. The appeal proposal involves only one additional flat compared with that approval and that would not result in a significant adverse effect in relation to on-street parking.
10. The Council has taken an unduly cautious approach to the necessity to maintain control over on-street parking. The proposal would not be contrary to Policy LP45 of the Richmond-Upon-Thames Local Plan (2018) which requires new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel, including on the local environment, and making the best use of land. The conversion would make good use of an existing building to provide more homes. There would not be conflict with the Framework which at Paragraph 109 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. The evidence indicates that there would be no unacceptable impact.

Other Matters

11. Residents have objected to the proposal on issues other than parking. The proposal is essentially permitted development and falls for consideration only on matters specified in O.2 of the GPDO. I concur with the Council that the proposal would be satisfactory in relation to the other specified matters namely risks relating to contamination or flooding and an adequate environment for future occupiers in relation to noise from commercial premises and natural light to habitable rooms.

Conditions

12. Paragraph W(13) to Part 3 of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. Conditions relating to the provision of the on-site car and cycle parking spaces are necessary in relation to sustainable transport objectives and to constrain overspill parking. A condition to require approval of arrangements for refuse storage is necessary to safeguard the appearance of the site. A construction method statement should be approved by a planning condition in the interests of highway safety and the amenity of the area, but I have excluded several of the clauses listed in the Council's suggested condition which are not applicable to the proposal. The Council's suggested condition to constrain occupation other than as 14 single bedroom units is not necessary. This is how the proposal is shown on the plans and there is little scope to occupy the units in other ways that would result in unacceptable parking or traffic implications. The Council would maintain control over changes of use of the units.

Conclusion

13. Overspill parking arising from the proposal would not be prejudicial to on-street parking conditions. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR

Schedule of Conditions

- 1) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 601-CDA-ZZ-XX-DA-A-05-0100 for 3 cars to be parked and those space shall thereafter be kept available at all times for the parking of residents' vehicles.
- 2) No dwelling shall be occupied until cycle parking has been laid out within the site in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority, such drawings to show the position, design, materials and finishes thereof. Those spaces shall thereafter be kept available for the parking of cycles.
- 3) No dwelling shall be occupied until arrangements for the storage and disposal of refuse/waste have been made in accordance with details to be submitted to and approved in writing by the local planning authority. Refuse or waste material shall only be left or stored in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of noise, vibration and dust;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.