



Appeal Decision

Site visit made on 26 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/T5150/W/21/3276363
74 Palermo Road, London NW10 5YP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Elliott Ford against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1024, dated 21 March 2021, was approved on 26 May 2021 and planning permission was granted subject to conditions.
 - The development permitted is "Proposed conversion of single dwellinghouse into 2 x self-contained flats works including single storey side and rear wraparound extension, new window to first floor side, loft conversion with rear dormer and installation of 3x front rooflights".
 - The condition in dispute is No 6 which states that:
"Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development".
 - The reason given for the condition is:
"In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site".
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Decision

1. The appeal is allowed and the planning permission Ref 21/1024 for "Proposed conversion of single dwellinghouse into 2 x self-contained flats works including single storey side and rear wraparound extension, new window to first floor side, loft conversion with rear dormer and installation of 3x front rooflights" at 74 Palermo Road, London NW10 5YP granted on 26 May 2021 by the Council of the London Borough of Brent, is varied by deleting condition 6 and substituting for it the following condition:
 - 6) Occupiers of the upper floor flat, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking

of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Main Issue

2. The main issue is the effect of varying the disputed condition on demand for on-street parking in the area.

Reasons

3. The appeal property is a three-bedroom mid-terrace house. The existing dwelling has no off-street car parking, but is within a Controlled Parking Zone ("CPZ") with on-street parking bays for permit holders. Planning permission has been granted to extend and convert the property into two self-contained flats. The disputed condition is intended to prevent occupiers of the two new flats from holding parking permits for the CPZ.
4. The appellant currently holds residents' and visitor parking permits for the CPZ, to which he is entitled as owner and occupier of the appeal property. Following the conversion he intends to live in the newly-created ground floor flat. However, while he relies on a car for travel to work around the city at unsociable and irregular hours, the disputed condition would prevent him from continuing to hold permits for the CPZ. The Council has indicated that this information was not provided as part of the original planning application, and it accepts that the disputed condition could be modified so that it applies only to the proposed upper flat. This would allow the occupier of the ground floor flat to retain the property's existing parking permits, while also ensuring that the overall number of dwellings entitled to permits in the area would not be increased. I note also the Council has stated that such an approach has been used in similar cases elsewhere in Brent.
5. The evidence before me, including my observations on my site visit, indicates that the area is one with a considerable demand for on-street parking. The appeal site is described as having moderate access to public transport, with a PTAL rating of 3. In these circumstances, I consider that the use of a condition to ensure that the local area is not negatively impacted by an increase in demand for on-street car-parking, as well as to try to ensure that development reduces unnecessary car trips and promotes effective use of land, is necessary and reasonable to make the development acceptable in planning terms. However, I agree with the Council that in this case the disputed condition could be varied to allow one dwelling on the appeal site to remain eligible for parking

permits without it leading to an unacceptable increase in demand for on-street parking in the area, as the *status quo* would be maintained.

6. I note also the Council's comment that this matter "could have been addressed through a simple application to vary the wording of the planning condition, rather than lodging an appeal". Be that as it may, it is of course my duty to determine the appeal on the basis of the evidence presented to me.

Conclusion

7. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting for it an amended Condition 6 as stated in my decision above.

M Cryan

Inspector