



Appeal Decision

Site visit made on 19 April 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/X5990/D/21/3289554

34 Abbey Gardens, LONDON, NW8 9AT

- 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 Mehran Leilabi against the decision of City of Westminster Council.
 - The application Ref 21/06662/FULL, dated 13 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is described as 'works to the front garden of the property. The owner has permission to hard pave the front garden and seeks permission for a dropped kerb from the street to allow for off-street parking of one electric vehicle'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is part of a listed building known as 8-48 Abbey Gardens. The appellant submitted a combined application for planning permission and listed building consent for the proposal. The Council refused the application for planning permission but granted listed building consent for the proposal on 22 November 2021.

Main Issue

3. Whether the provision of an off-road parking space would accord with the development plan.

Reasons

4. Part G of Policy 27 of the City Plan 2019-2040 (CP) states that the removal of boundary treatments and gardens to provide a vehicle crossover and on-site parking will be resisted. Part F of the same Policy establishes that where sites are redeveloped parking provision must be reduced to meet the standards in the London Plan. The proposal would thus be contrary to both aspects of this Policy by providing a crossover and parking space following the removal of a front boundary and by introducing a space where there is not one currently.
5. Part A of the Policy establishes that the parking standards in the London Plan will apply to all developments. Policy T6.1 of the London Plan March 2021 (LP) states that new residential development should not exceed the maximum parking standards set out in Table 10.3. The proposal is not for new residential development, and as such I am not satisfied that this matter is directly relevant to the proposal. However, on the basis that the appeal site has a

Public Transport Accessibility Level (PTAL) of 5, it is clear from Table 10.3 that car free development is expected in the area.

6. Furthermore, supporting text at paragraph 27.15 of the CP suggests that the creation of additional off-street public parking can undermine efforts to encourage use of more sustainable modes of transport. The proposal would clearly be contrary to the emphasis within the development plan to resist additional private off-street parking.
7. The appeal site is located in a densely developed and highly accessible area where not owning a car would be a realistic option for many households. At my visit I could see that many dwellings on the road have off-street parking at the front. However, there were a number that still retain an enclosed front garden. The long on-street parking bay to the northeast of the site would continue to provide a parking solution for the occupiers of the appeal building in the event that the appeal is dismissed.
8. The proposal would secure an off-street parking space that would be equipped with a charging point for an electric vehicle. This would be within the appellant's control and would thus allow the appellant to easily and reliably charge an electric vehicle. However, evidence before me suggests that the Council is actively increasing the number of on-street charging facilities for electric vehicles in the area, and a procedure exists whereby a resident can request the installation of a further facility.
9. Furthermore, although I appreciate that electric vehicle ownership is rapidly increasing, there is no evidence before me to suggest that local residents have difficulty charging vehicles in the area. Additionally, the various alternative options for travel that are available locally would mean that the use of a private car for journeys could be occasional. Therefore, a short walk to a parked car need not be impractical and would be a factor that could have a positive influence on transport mode choice that would improve health and tackle congestion, with reference to paragraph 27.1 of CP.
10. The appellant refers to paragraph 27.15 of the CP by suggesting that it supports the proposal. This refers to public parking, where the use of a dedicated electric vehicle parking space can be effectively controlled. However, in the context of a private parking space it is possible that current or future occupiers of the appeal dwelling would use the space to park a car powered by fossil fuels. It would be difficult to control this through a planning permission.
11. In summary, the provision of an off-street parking space would conflict with the development plan and there are no other considerations that outweigh this conflict.

Other Matters

12. The appeal building is part of a Grade II listed building. The appeal site is within the St John's Wood Conservation Area (SJWCA). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or

appearance of a conservation area. The Council has already granted listed building consent for the work.

13. Based on my assessment of the proposal and my observations on site I am satisfied that the proposed alterations would preserve the special interest of the building and would not harm the character and appearance of the SJWCA. I am however not satisfied that the proposal would offer an enhancement to the SJWCA or setting of the listed building, and thus this matter should not weigh in favour of the proposal.
14. Similarly, the provision of an access that would be safe with acceptable visibility is a neutral matter that cannot weigh in favour of the proposal.

Conclusion

15. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR