

Appeal Decision

Site visit made on 16 August 2022

by G Powys Jones MSc FRTPI

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

Decision date: 2nd September 2022

Appeal Ref: APP/L5810/D/22/3298375
1 Bolton Gardens, Teddington, TW11 9AX

- 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 Dr Susan Ford against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/0319/FUL, dated 26 January 2021, was refused by notice dated 2 March 2022.
 - The development proposed is the formation of a new access to serve 1 x proposed new electric vehicle off-street parking space.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a new access to serve 1 x proposed new electric vehicle off-street parking space at 1 Bolton Gardens, Teddington, TW11 9AX in accordance with the terms of the application Ref 21/0319/FUL, dated 26 January 2021, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issues are the effects of the proposal on highway and pedestrian safety, and on local on-street parking provision.

Reasons

3. The appeal property is a detached dwelling standing virtually at the northern end of Bolton Gardens. In dealing with design/visual amenity issues the planning officer's report says:

"..it is noted that a number of properties along Bolton Gardens benefit from vehicular access..."

4. Whilst the planning officer has noted the existence of several similar developments to that proposed having taking place locally, his/her highway and transportation colleagues do not appear to have acknowledged this or taken it into account.
5. Nos 5, 7, 9 & 11 Bolton Gardens are all on the same side of the street and are built on the same building line as the appeal property; all have car parking spaces at the front. Their garden dimensions are very similar to that of the

- appeal property. On the other side of the street, Nos 2, 4, 6, 8, 10 & 12 all have car spaces in their front gardens.
6. The Council say that the appeal site's frontage is too narrow by about 600mm to facilitate desirable visibility spays¹, and that the front garden is insufficiently deep to meet the Council's standards. The Council fears that the tails of cars using the proposed space would overhang the footway causing obstruction. Most of the car spaces mentioned above were occupied when I visited, mainly by family sized cars. Only one overhung the footway, marginally so, by a matter of millimeters, and that was due to poor parking rather than a lack of space.
 7. It appears to me that the Council's objections are based on what appears to me to be a rigid and over-enthusiastic application of dimensional guidelines², in circumstances where the proposal is only marginally below the recommended standards, and where numerous local examples exist of similar development as proposed having taken place without apparent harmful effects³. In my view, given a normal level of caution and care when driving, the use of the proposed space is not likely to harm either highway or pedestrian safety.
 8. The Council also expresses concern at the loss of an on-street parking space, and that this would allegedly lead to increased '*parking stress*' in Bolton Gardens and adjacent streets, resulting in unsafe use of carriageway. To my mind, however, the loss of the on-street space would be off-set by the provision of a space in the appellant's front garden. This would also assist in alleviating any "*stress*" or inconvenience suffered by the appellant when looking for an on-street parking space close to her property. That the space allows for the opportunity to charge a vehicle conveniently should, to my mind, be regarded as a positive environmental benefit of the scheme.
 9. I therefore conclude that the proposed development could proceed without harming highway or pedestrian safety. Accordingly, I find no conflict with that provision of LP⁴ policy L45 that there should be no material impact on road or pedestrian safety arising from development proposals.

Conditions

10. It is necessary, in the interests of certainty that the development shall be carried out in accordance with the approved plans.
11. The Council's proposed landscaping condition is noted, but this appears to me to be a condition more appropriately directed to far larger schemes than proposed here. I consider the requirements of this condition, having regard to the minor nature of the proposal, to be both unreasonable and unnecessary, and it shall not therefore be imposed.
12. However, whilst a sketch of the proposal has been submitted, insufficient information has been provided on the proposed materials of construction and

¹ The appellant contends that the Council's requirements do not reflect the national guidance provided in the latest edition of Manual for Streets.

² Contained in the Borough's Supplementary Planning Document 'Transport' (2020).

³ The Council had not produced any evidence that the extant car spaces at the properties mentioned in para 4 have caused harm to highway or pedestrian safety.

⁴ Richmond Local Plan 2018

planting. A condition to remedy this defect is imposed in the interests of visual amenity.

Other matters

13. The Unilateral Undertaking (UU) submitted by the appellant under the terms of S106 of the *Town and Country Planning Act 1990 (as amended)* has been noted. However, having regard to the application of the appropriate tests⁵, and my conclusions on the appeal, I do not consider the UU to be necessary to make the development acceptable in planning terms. It does not therefore constitute a reason for my granting planning permission in this case.
14. As the appellant has pointed out, the Council's reason for refusal refers to a paragraph contained in a replaced version of the Framework. However, I am content that a safe and suitable access can be achieved for all users, and am also mindful of the Framework's advice⁶ that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. For the reasons set out above, the proposal would not give rise to an unacceptable impact on highway safety, and nor would any impact on the road network be severe, even if discernible.
15. I have taken account of all other matters raised in the representations, including the appellant's references to various appeal decisions, but no other matter raised outweigh those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall begin not later than three years from the date of this decision.
- 2). The development hereby permitted shall be completed in accordance with the following approved plans: The location plan, site plan Ref PP-01 Rev.A & the unreferenced plan entitled "Front Drive Design".
- 3). The development hereby permitted shall not commence until a scheme showing the proposed materials of construction and proposed planting has been submitted to the local planning authority for its approval, to be obtained in writing. The scheme shall thereafter be completed in accordance with the approved details prior to the car space being brought into beneficial use.

⁵ As set out in Regulation 122 of *The Community Infrastructure Levy Regulations 2010* (as amended)

⁶ The National Planning Policy Framework 2021