



Appeal Decision

Site visit made on 23 February 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/N5660/D/22/3313286

37 Poplar Walk, London SE24 0BX

- 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 Ms Maria Anagnos against the decision of the London Borough of Lambeth Council.
 - The application Ref 22/02875/FUL, dated 9 August 2022, was refused by notice dated 24 October 2022.
 - The development is the creation of a vehicular crossover and dropped kerb for access and retention of a new hardstanding for parking of motor vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the Council's decision notice as this is a concise and accurate description, which has also been used by the appellant for their statement.
3. The appeal relates to an application for planning permission for development that has been substantially implemented, with the exception of the vehicular crossover and dropped kerb and I have determined the appeal accordingly.

Main Issues

4. From my reading of the documents submitted for the purposes of this appeal, the main issues are the effect of the development on:
 - The character and appearance of the local area, with reference to streetscene; and
 - highway safety, with reference to visibility.

Reasons

Character and Appearance

5. The appeal property is an end of terrace three storey mid-20th century town house. With the exception of the appeal property, the terrace within which the appeal property sits has front garden areas that have not been altered to accommodate off street parking. However, within the street there are many

examples of other dwellings where off street parking within front garden areas has been accommodated. Many of these appear to be of some age.

6. The development for off-street carparking, which is the subject of this appeal includes a hard standing area with permeable paving with a linear grating to collect water run-off from draining over the footway. An area of planting with a brick kerb upstand sits to the flank side of the hardstanding. It is noted that the appellant indicates that biodiversity benefits were considered in the choice of plants. From the photographs of the original garden, it is however arguable as to whether this results in any additional benefits in this regard.
7. The development results in the loss of much of the small front garden space of the appeal dwelling for hardstanding for car parking and, especially when a car is parked, the hardstanding dominates the appearance of the front of the appeal property. As this is the only off street parking space to the front garden of the terrace, the loss of garden space to hardstanding for parking presents as a discordant alteration in this context.
8. Although in the wider area there are other front gardens with off street parking areas, these appear to be mainly of some age and associated with the larger semi-detached houses that make up much of the street. The loss of garden space for car parking appears to have incrementally diminished the quality of the street scene of the area. The loss of the front garden space at the appeal property further adds to this.
9. Policy Q14 of the Lambeth Local Plan (2021) (the LP) sets out that car parking in front gardens will only be permitted for blue badge holders where no other facility is nearby. The appellant has not brought to my attention any material that would suggest that there is such a blue badge parking requirement in this instance, and it would also appear that there is on street provision for such a facility very nearby.
10. The appellant has brought to my attention to an allowed appeal¹ for an off street parking area in a front garden elsewhere in the borough where it was found that, although no blue badge parking requirement existed, there were exceptional circumstances. This would have been determined on its own individual merits and I have done likewise in my consideration of this appeal.
11. The appellant has set out that the development would allow for charging of electric vehicles (EVs) off street. However, the public benefits of the provision of a single off-street parking space with potential for EV facilities, when considered within the context of the current and future projected requirement for EV charging infrastructure, are extremely limited.
12. For the reasons given above, I find that that the development diminishes the quality of the local streetscene, which results in significant harm to the character and appearance of the local area. Whilst the development results in the creation of the private benefit of an off street parking space, no significant public benefits of the proposal have been brought to my attention. I find, therefore, that there are no exceptional circumstances, within the context of policy Q14 of the LP, that would justify the development.

¹ Appeal Ref: APP/N5660/D/20/3262762

Highway Safety

13. As part of their appeal submission the appellant has submitted a visibility splay plan that was not provided as part of the planning application. This includes the position of the large street tree to the front of 41 Poplar Walk. I note that the appeal property is located in a 20mph Speed Limit area and a Controlled Parking Zone. This zone has on street parking on both sides of what is a relatively wide street, for residents at all times and for others except between noon and 2pm Monday to Friday.
14. Given the distance to the street tree, its generous girth and the presence of on street parking, the visibility of the highway from the driveway is slightly constrained. However, given the limited speed of traffic, on what appears from my mid-morning weekday site visit to be a generally quiet and wide street, and the low level planting in this and neighbouring front gardens, this is not so constraining that it would significantly impair the visibility of traffic when exiting the parking space. In this context the development replicates the situation to be found along much of the street and more broadly, where there is off street parking to the front of dwellings in the residential area. The development does not, therefore, result in any significant harm to highway safety. Within the context of my considerations of this appeal the absence of harm is a neutral factor.

Other Matters

15. The appellant has argued that the proposal would release pressure on the use of the public highway for parking. However, the requirement for vehicular access to the off street parking space would be facilitated by a dropped access kerb. This would result in the loss of a single existing on street parking space. Such a loss would be partially mitigated by the off street parking space. However, due to the need for access, the loss of an on street parking space with resident parking priority would be continuous, regardless of whether the off street parking was in use. As such, the development would result in a slight increase in pressure and concomitant harm to the availability of on street parking and does not, therefore, result in a public benefit in this regard.
16. For the reasons given above, I find that the development and the proposed crossover does not accord with policies Q14, T1 and T6 of the LP and policies T1, T2 and T6 of the London Plan (2021), which collectively seek to ensure that off street parking provision results in no harm to visual amenity and that any harm to transport networks and supporting infrastructure are mitigated.

Conclusion

17. As no public benefits have been identified that would outweigh the harm that I have identified above, and with paragraph 11 of the National Planning Policy Framework (2021) in mind, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR