

Appeal Decision

Site visit made on 18 January 2023

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/C5690/W/22/3299100
138 Hither Green Lane, LONDON, SE13 6QA

- 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 GERARDO DEL GUERCIO against the decision of London Borough of Lewisham.
 - The application Ref DC/22/125480, dated 22 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is creation of vehicular crossover and drop kerb at the side of No 138 Hither green line. The cross over will be on Radford Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the development would meet the Council's aims to promote sustainable modes of transport.

Reasons

3. The appeal property is a residential property situated on a corner plot at the junction of Hither Green Lane and Radford Road. The property has been split into three flats and has an area of hardstanding to the front and rear. The rear area of hardstanding has gates which open onto Radford Road and hosts a double garage which the appellant states is currently used for storage.
4. The proposal is for the formation of a vehicular crossover to the rear of the property. The proposal would allow for at least one vehicle to park and manoeuvre within the existing area of hardstanding and would also, potentially, facilitate the use of the existing garages for parking.
5. Policy T6 of the London Plan 2021 (The London Plan) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and goes on to say that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. Policy T6.1 of the London Plan expands on this and Table 10.3 sets out the maximum parking standards which should be applied.
6. The appeal site is in an area with a PTAL rating of 3. The Council state that, as such, development should be car-free. However, my interpretation of Table 10.3 indicates that with a PTAL rating of 3 the maximum parking provision should be up to 0.25 spaces per dwelling. There is no evidence before me which would indicate that an alternative standard applies in this instance. The appeal property comprises three flats. Consequently, a maximum of 0.75 parking spaces must be provided.

7. The appellant's evidence suggests that one vehicle would use the area of hardstanding which would be accessed via the proposed crossover. However, the area of hardstanding would be large enough for multiple vehicles to park. The garages on site could also be used for parking, providing a further two parking spaces. Given that the appeal property has been divided into three flats I consider it likely that multiple vehicles could make use of the hardstanding area and restricting the amount of parking would be unenforceable under the current arrangements. Even if parking was limited to one vehicle this would exceed the maximum standard of 0.75 parking spaces.
8. For the reasons set out above, the proposal would fail to meet the Council's aims to promote sustainable modes of transport. Consequently, the proposal would therefore conflict with Policies T6 and T6.1 of the London Plan. The proposal would also fail to accord with Core Strategy Policy 14 of the Lewisham Local Development Framework Core Strategy, June 2011 which states that the car parking standards in the London Plan will be used as a basis for assessment. The proposal would also be at odds with DM Policy 29 of the Lewisham Local Development Framework Development Management Local Plan, November 2014 which requires parking standards to be in accordance with Core Strategy Policy 14.

Other Matters

9. I note that the plans relating to the conversion of the property to flats from around 1993 indicate the garages on site and suggest that the hardstanding could be used as a parking space. However, this application considerably pre-dates the current London Plan and was considered under a different policy context. Moreover, the evidence before me indicates that the application did not include the provision of a vehicular crossover to facilitate such use.
10. I accept that other vehicular crossovers appear to be present in the area. However, I have not been provided with full details of these examples which could have been determined under different circumstances and within a different context. In any event, the existence of other examples is not in itself a reason to justify granting planning permission.
11. I acknowledge that the scheme would provide an electric vehicle charging point which is to be encouraged. I also note that the proposal raises no concerns with regards to the effect on highway safety. However, the lack of harm is a neutral factor and not a benefit of the scheme and as such this element does not carry additional weight in favour of allowing the proposal.
12. I have given careful regard to all of the above considerations. In my view, and with regard to the specific circumstances which are present in this case, the benefits of the scheme would not be sufficient to outweigh the harm which would be caused.

Conclusion

13. The proposed development would fail to accord with the development plan and there are no other material circumstances which indicate that planning permission should be granted. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR