



Appeal Decision

Site visit made on 19 April 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/A5840/W/22/3306024

45 Esmeralda Road, Southwark, London SE1 5RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr R Benedetti against the decision of the Council of the London Borough of Southwark.
- The application Ref 22/AP/2357, dated 30 June 2022, was refused by notice dated 24 August 2022.
- The application sought planning permission for the demolition of existing end of terrace dwelling and construction of 3 dwellings comprising 2x 3-bed, 1x studio with associated private amenity space, cycle and refuse stores without complying with a condition attached to planning permission Ref 21/AP/2225, dated 13 December 2021.
- The condition in dispute is No.6 which states that: Prior to commencement of the development hereby permitted the local planning authority shall be provided with the full postal address of each proposed property to allow the Council to exclude two of the proposed three properties as approved, from the list of those eligible for residents' parking permits.
- The reason given for the condition is: "the site is located within a CPZ where little evidence has been provided to demonstrate that there is little or no parking stress to accommodate the additional 2no dwellings and their likely associated vehicles."

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted on appeal in December 2021 for the re-development of the site to provide two dwellings and a studio. An issue for the Inspector when considering the conditions to attach was whether on-street parking from the proposed development needed to be restricted in any way, given that the site was, and remains, in a Controlled Parking Zone (CPZ).
3. The Inspector noted that there was little information from either main party on this particular matter but concluded that it was likely that the existing property benefitted from a parking permit. The Inspector in effect reasoned that by restricting the development to the single on-street parking permit an otherwise unacceptable development could be made acceptable.
4. Accordingly, the condition required that two of the three permitted properties be excluded from obtaining a parking permit, prior to the commencement of development.

5. The current proposal seeks to allow the development as a whole to benefit from two on-street parking permits. The appellant has produced a Parking Stress Survey to demonstrate sufficient on-street parking capacity. Whilst the results of the survey have not been disputed by the Council, the application was refused due to an increase in on-street parking and the associated failure to promote sustainable travel.
6. The main issue is therefore whether or not the development having two on-street parking permits would cause harm to the wider area through an increase in on-street parking and so as a consequence fail to promote sustainable travel.

Reasons

7. Both the London Plan 2021 (LP) and the Southwark Plan 2022 (SP) indicate that the maximum parking provision for a development of this scale should be 1.5 spaces. In addition, a net increase of one permit over the permitted scheme would be contrary to the SP's policy of seeking to resist additional permits within existing CPZs.
8. Whilst restrictions on parking, through whatever means, can be an indication that without any limitations there will be insufficient on-street parking capacity for local residents, this is not necessarily the only reason for such restrictions. Other reasons for having restrictions or limitations include aiding the living conditions of local residents or encouraging more sustainable modes of travel or there can be a combination of concerns.
9. Indeed, the policies in the LP and SP that address the issue of parking provision and maximum levels are predicated not just on ensuring that there is sufficient on-street parking for all local residents but also that there is a reduced reliance on the private car, there is a more conducive environment for pedestrians and cyclists, and more generally an environment with fewer carbon emissions.
10. Whilst the previous appeal on the site allowed for the retention of the existing parking permit, that scheme represented an overall reduction in parking provision, from the on-site garage and on-street permit to a single on-street permit. In contrast, retaining provision for two vehicles, albeit both as permits, would not represent a reduction in overall levels of parking, would increase the number of parking permits within the CPZ and would be over the maximum parking standards.
11. Furthermore, in relation to this latter point, the current proposal would run counter to Policy T6(L) of the LP. This policy notes that where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in the policy.
12. It therefore seems to me that retaining provision for two cars to be parked, thereby exceeding the parking standards, would not reduce reliance on private motor vehicles for future occupants. As a result, it is less likely to promote sustainable travel, particularly when compared to the permitted scheme. Promoting sustainable travel in turn assists in addressing environmental issues, and carbon emissions in particular.

13. In the light of the above, I do not find that just because there is capacity on the road for additional car parking, that in itself justifies exceeding the parking standards when it would lead to other identified harms.
14. Overall, I find that the proposal would materially diminish the quality of the permitted scheme and cause harm through an increase in on-street parking and the associated failure to promote sustainable travel. These harms would be contrary to Policy T6 of the LP and Policy P54 of the SP which, amongst other things, require developments to not exceed maximum parking levels, not increase on-street parking permits within CPZs and promote sustainable transport.
15. In failing to promote sustainable transport the proposal would also be contrary to the objectives of the National Planning Policy Framework (the Framework).

Other Matters

16. Paragraph 108 of the Framework notes that there should be clear and compelling justification for maximum parking standards in managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Both the LP and SP are recently adopted policy documents and I have no evidence before me to indicate that the parking standards are not justified.
17. The proposal would not result in unacceptable impacts on highway safety, nor would there be severe residual cumulative impact on the road network itself. The proposal would therefore accord with Paragraph 111 of the Framework. However, this was not a contentious matter for the appeal and compliance with the Framework in this respect would be expected for any development to be considered acceptable. Accordingly, it is not a matter which weighs positively in favour of the scheme.
18. Each proposal must be considered on its own merits and based on the evidence and context pertaining to it at the time of the decision. The previous appeal decision is therefore a material consideration to which I have had regard. However, unlike the permitted scheme, the current proposal does not represent a reduction in overall parking provision, would result in additional parking permits within the CPZ and would exceed the maximum parking standards. These represent significant differences between the two schemes and would cause harms to which I attach significant weight.

Conclusion

19. The proposal would increase the number of on-street parking permits within an existing CPZ, exceed the maximum parking standards, plus it would fail to promote sustainable travel. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR