



Appeal Decision

Site visit made on 12 March 2024

by Jonathan Edwards BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/H5390/W/22/3306603

Peterborough House, Peterborough Mews, London SW6 3BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Ms Clare Guy against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2022/01182/FUL was approved on 15 July 2022 and planning permission was granted subject to conditions.
- The development permitted is erection of a part one, part three storey plus a single storey basement single family dwellinghouse; creation of swimming pool, plant room, entertainment and leisure rooms at basement level; and installation of a motorised vehicular turntable to the south of the proposed garage, with access provided from the existing entrance gate in Peterborough Mews.
- The conditions in dispute are Nos 10, 11 and 12 which state that:
Condition 10 - The new residential dwellinghouse hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the residential unit. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.
Condition 11 - No occupiers of the new residential dwellinghouse hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written receipt.
Condition 12 - The new residential dwellinghouse hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The residential units shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.
- The reasons given for the conditions are:
Condition 10 - In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the residential unit hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).
Condition 11 - In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).
Condition 12 - In order that the prospective occupiers of the residential unit are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential

properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

Decision

1. The appeal is allowed and the planning permission reference number 2022/01182/FUL for erection of a part one, part three storey plus a single storey basement single family dwellinghouse; creation of swimming pool, plant room, entertainment and leisure rooms at basement level; and installation of a motorised vehicular turntable to the south of the proposed garage, with access provided from the existing entrance gate in Peterborough Mews at Peterborough House, Peterborough Mews, London SW6 3BL granted on 15 July 2022 by the Council of the London Borough of Hammersmith & Fulham is varied by deleting conditions numbered 10, 11 and 12.

Preliminary Matter and Main Issues

2. On 19 December 2023 a revised version of the National Planning Policy Framework was published (the Framework). It is unnecessary to seek the main parties' comments as the parts of the Framework relevant to this appeal remain unchanged. Paragraph 56 of the Framework states that planning conditions should only be imposed if they meet various tests. Having regard to these and the appeal submissions, the main issues are whether the disputed conditions are reasonable, necessary and relevant to planning.

Reasons

3. The site is to the rear of properties on New King's Road and Broomhouse Road. Peterborough Mews is narrow but parking is allowed on Peterborough Road and other local streets. During the day, roadside parking is restricted to those with a permit and those who pay a fee. Unrestricted overnight parking and parking on Sundays is permissible on most nearby highways.
4. Policy T4 of the Hammersmith and Fulham Local Plan 2018 (LP) states that car parking permit free measures will be required on all new developments unless there is a significant lack of public transport. However, the policy does not require the Council to be notified of postal addresses. Also, the Council's decision notice includes a section setting out the requirement under the London Building Acts (Amendment) Act 1939 (as amended) for buildings to be named and numbered through the Council. Consequently, I conclude that condition 10 is unnecessary to make the development acceptable in planning terms, particularly as non-planning regulations would require the Council to be notified of the postal address of the dwelling.
5. Condition 11 seeks to prevent occupiers of the house from applying for or retaining a parking permit with the exception of blue badge holders. To my mind, these restrictions relate to the actions of future residents rather than to the development or use of the land. I gain support for my view on this matter from the appeal decisions referred to by the appellant where other Inspectors have found the same or similar conditions to be unreasonable.
6. Moreover, there is little evidence to indicate an unacceptable level of local kerbside parking. My visit can only provide a snapshot in time but I saw free parking spaces on streets within a short walk of the appeal site. Without any evidence to the contrary, it is fair to assume that my observations are not untypical. Also, the permitted development includes a car turntable on the site

that would help reduce the demand for additional road parking. Therefore, I consider there is insufficient evidence to demonstrate condition 11 is necessary to make the development acceptable in planning terms.

7. Condition 12 is similar to condition 11 although it requires the submission and approval of a scheme that would ensure residents have no entitlement to parking permits. There is little information before me to indicate the nature of such a scheme but it is probable it would need to prohibit the actions of residents. As such, this condition would be unreasonable for the same reason as condition 11. Also, in the absence of any firm evidence of unacceptable levels of local parking, I am unconvinced the condition is required to avoid harm to the amenities of occupiers of local residences.
8. Without the disputed conditions, the planning permission for the appeal development would be contrary to LP policy T4 as it would include no measures that would prevent residents being issued with parking permits. However, the disputed conditions as worded impose unreasonable restrictions or require future residents to undertake unnecessary actions. I have not been presented with alternative conditions which would address the requirements of LP policy T4 and that would also meet the tests of conditions.
9. The Council officer's report on the application leading to this appeal refers to LP policy T3 and the aim to promote cycling and walking to justify conditions on the issuing of parking permits. However, this policy includes no provisions on limiting parking permits and so it offers no support for the disputed conditions.
10. Therefore, I conclude that conditions numbered 10, 11 and 12 are unreasonable, unnecessary and irrelevant to planning. Their removal would lead to a conflict with LP policy T4 but in this case a departure from the policy is justified for the reasons given.

Other Matters

11. The appeal site adjoins the edge of the Studdridge Street Conservation Area as well as the rear boundary of 247-249 New King's Road, a grade II listed building. By virtue of its position away from the main street frontages, the development would have a highly localised visual effect so that it would not harm the setting or significance of the identified heritage assets.

Conclusion

12. For the above reasons, I conclude the appeal should be allowed as set out in the formal decision above.

Jonathan Edwards

INSPECTOR