
Appeal Decision

Site visit made on 13 May 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2024

Appeal Ref: APP/C5690/W/23/3332718

Land East of 14 Chilthorne Close, London SE6 4YW

- 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 Austen M Jones against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/23/132588, dated 1 August 2023, was refused by notice dated 20 October 2023.
 - The development proposed is the erection of 2, two-storey, semi-detached houses, each with 3-bedrooms.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Several interested parties raise concern that the plans do not accurately represent the sloping ground across the site and that the appellant's sun study lacks the necessary detail and clarity to fully understand the impact of the proposal. I have taken this concern into account in my assessment of the appeal scheme, which follows a detailed inspection of the site and its surroundings and has had regard to all the submitted evidence. I am satisfied that the details of the proposal as shown on the drawings and detailed in the written evidence allow a reasonable assessment of the development sought.

Main issues

3. The main issues are the effect of the proposed development on on-street vehicle parking and on biodiversity.

Reasons

Vehicle parking

4. The proposal is to erect a pair of semi-detached dwellings on undeveloped grassland adjacent to 14 Chilthorne Close within a predominantly residential area. No on-site vehicle parking would be provided. The Council and others raise concern that there is insufficient evidence to conclude that the proposed development would not lead to unacceptable on-street parking stress on local roads, to the detriment of general amenity.
5. The site is within a Controlled Parking Zone (CPZ) with on-street parking along Chilthorne Close and the northern sections of Ravensbourne Park and Ravensbourne Park Crescent reserved for permit holders only, between 9am

and 5pm on Monday to Friday. The southern sections of Ravensbourne Park and Ravensbourne Park Crescent are also within a CPZ, with on-street parking restricted between 9am and 7pm, Monday to Friday.

6. During my mid-afternoon site visit, parking spaces along all these roads were well-used, as were streets further to the west of the site along which parking is generally unrestricted. Along Montacute Road, for instance, cars were parked partly on the footway along both sides of the main carriageway, which reduced the useable carriageway almost to a single lane. This arrangement also narrowed the space available for pedestrians to use the pavement. My general impression is only a snapshot in time. However, it is evidence of parking stress, and it appears to be consistent with the response from residents, which confirms that the availability of on-street parking is restricted at most times.
7. In contrast, the appellant asserts that there is spare capacity, for instance, to park on Ravensbourne Park and that future occupiers would either apply for a permit to do so or use streets outside the CPZ where on-street parking is unrestricted. However, this opinion is not supported by definitive evidence that includes an up-to-date assessment of parking supply and demand. According to the Council, the proposal could generate a demand for up to 4 additional parking spaces. Given my observations and the response from residents, the effect of this extra demand on local parking stress could be significant.
8. Future occupiers of the new houses may not all be car users. Secure storage would be provided for cycles, and the site is within an area with a Public Transport Accessibility Level of 5, which indicates very good accessibility to public transport. Bus services along Ravensbourne Park and the Catford and Catford Bridge railway stations would be within convenient walking distance of the site. Therefore, future occupiers of the development would not necessarily need to have access to a car. According to the appellant, a significant number of households on Chilthorne Close currently operate as 'car free'.
9. Nevertheless, a range of travel options does not on its own guarantee that future occupiers would not want to use a vehicle. Therefore, I cannot rule out that some occupiers of the appeal scheme would use a private vehicle and require space to park it on the street. Increased parking demand in instances of limited supply could unacceptably impact upon parking-stress levels in the area and lead to unsafe, illegal or inconsiderate parking.
10. I have carefully considered whether a condition could be imposed to require a parking survey to be carried out to gauge whether there is adequate capacity within the CPZ to accommodate additional parking demand. I note that the appellant has sought information from the Council on the take up of permits within the CPZ and the storage space at the kerb side for cycles. However, the acceptability of the proposal depends on the findings of that assessment and so it would be inappropriate to do so. Another option would be to prevent future occupiers from applying for a permit to park within the CPZ aside from those that hold a Blue Badge. However, there is no legal mechanism to do so before me and national guidance is that a condition to achieve this outcome should be imposed only exceptionally. No such circumstances arise in this case.
11. I note that the Council did not request a parking survey to demonstrate spare capacity during the application process. Nevertheless, Policy 14 of the Council's Core Strategy (CS) clearly states that the car free status for new development can only be assured where on-street parking is managed to

prevent parking demand being displaced from the development to the street. Policy 29 of the Development Management Local Plan (DMLP) adds that development will only be considered if there is no detrimental impact on on-street parking provision. As it stands, I am unable to conclude that the proposal would comply with these policies because the evidence does not clearly indicate that there is sufficient capacity within the CPZ or beyond to accommodate the parking requirements generated by the development.

12. Reference is made to several other schemes that the appellant says have been recently approved with low or no on-site parking provision. Few background details of these developments have been provided and so I cannot be certain that their circumstances are the same or very similar to those of the proposal. In any event, each development should be assessed on its own merits, as I have done in this instance.
13. On the first main issue, I therefore conclude that the proposed development would unacceptably increase on-street parking on local roads, potentially to the detriment of highway safety and the living conditions of others. As such, the proposal conflicts with the National Planning Policy Framework (the Framework), Policy T6 of The London Plan, CS Policy 14 and DMLP DM Policy 29. Together, these policies broadly seek to implement a managed and restrained approach to car parking provision.

Biodiversity

14. The site is next to Ravensbourne Park Gardens, which is an area of public open space (POS) that contains trees and other vegetation. From the evidence provided, this adjacent green space is not designated for its biodiversity value and nor is the site. Furthermore, there is no firm evidence that any protected species or their habitats are likely to be present and affected by the development on or near to the site. In those circumstances, I am not convinced that the requirement to provide an up-to-date survey and report by a suitably qualified ecologist to which DMLP DM Policy 24 refers is necessary. Had such information been required to more fully understand the potential impact of the proposal, it is reasonable to have expected that such a request would have been made sooner in the application process together with an explanation of the reason for it.
15. No trees or shrubs on or beyond the site would be removed because of the new development. Measures such as additional planting and green sedum roofs, as proposed, could also enhance biodiversity. With conditions to secure these measures and to safeguard wildlife in the wider area such as bats there is nothing to indicate the proposal would harm the natural environment locally.
16. Despite being close to an area of POS, there is no definitive evidence that the proposal would affect an area with a recognised ecological value. The appellant reaches the same conclusion based on information provided in relation to a nearby site and by Green Shoots Ecology. As such, the lack of a survey and detailed impact assessment that relates to the site and assesses the effect of the development on biodiversity does not weigh against the appeal scheme.
17. In the absence of any evidence to the contrary, I conclude on the second main issue that the proposal would not cause significant harm to biodiversity or the natural environment in general. Accordingly, I find no conflict with the Framework, CS Policy 12 or DMLP DM Policy 24. Together, these policies aim

to ensure that new development takes full account of biodiversity in development design, ensuring delivery of benefits and minimising the potential impacts on the natural environment. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

18. Once complete, the proposal would add to the amount and choice of new family sized housing. The development would also make efficient use of the available land. However, these considerations do not outweigh the identified harm.
19. Interested parties raise several additional objections including the external materials to be used, the scale of the proposal and its effect on landscape and trees, the living conditions of others, security, communal open space, children's play areas, fire safety and refuse storage, together with the potential for noise and general disturbance during the construction period. These are important matters and I have considered all the submitted evidence. However, given my findings on the first main issue, these are not matters that have been critical to my decision.

Conclusion

20. The proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR