



Appeal Decision

Site visit made on 28 October 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/X5990/W/25/3364268

9 Nugent Terrace, City of Westminster, London NW8 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Real Ideas Ltd against the decision of City of Westminster Council.
- The application Ref is 25/01061/FULL.
- The application sought planning permission for retention of ground floor unit as Class E, creation of 1x 1bed unit at first floor and 1x 2bed across second and third floor (Use Class C3), demolition of rear extensions and erection of single storey extension at rear ground with enlarged lightwell and extension at first floor level; and associated works without complying with a condition attached to planning permission Ref 24/08519/FUL, dated 31 January 2025.
- The condition in dispute is No 6, which states that: Pre-Commencement Condition. You must not start work on the site until we have approved in writing appropriate arrangements to secure measures to mitigate the potential increased demand for on-street residents car parking in the vicinity of the site. You must only carry out the development according to the approved arrangements.
- The reason given for the condition is: To make sure that the potential increased demand for on-street residents car parking in the vicinity of the site is mitigated, in accordance with Policy 27 of the City Plan 2019-2040 (April 2021), Policy T6 of the London Plan 2021 and the guidance in our Planning Obligations and Affordable Housing Supplementary Planning Guidance (March 2024).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Inspector notes that the Council has recently adopted its partial review of its City Plan. The paragraphs most pertinent to this appeal are unchanged, other than their numbering, with Policy 27 now becoming Policy 31. The main parties have had an opportunity to comment and, as such, I have proceeded on the basis of the updated plan, the City Plan 2019–2040, adopted January 2026 (City Plan), and policies contained within it.
3. In support of their application, the appellant's letter dated 14 February 2025 seeks to vary Informative 4 to accord with their suggested wording of Condition 6. I note that this Informative is linked to Condition 6 (the Condition), and it is clear that the mechanism for securing the Condition should be through a section 106 legal agreement. I am mindful, however, that Planning Practice Guidance¹ sets out that an informative does not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes. I have therefore dealt with the appeal on the basis that planning permission is sought to vary the Condition only.

¹ PPG paragraph 21a-026-20140306

Background and Main Issue

4. The appeal site (No 9) comprises a mid-terrace property within a parade of ground-floor commercial premises with accommodation above. The original planning permission² was granted for the redevelopment of No 9, comprising, amongst other matters, the creation of 1 x 1 bed at first floor and 1 x 2 bed across the second and third floors.
5. The appellant seeks permission to vary condition 6 to amend its trigger point for compliance from 'prior to commencement' to 'prior to occupation', and that the condition only relates to one unit, that being the 1 x 2 bed unit at the second and third floors.
6. Condition 6 seeks to secure measures to mitigate the potential increased demand for on-street parking. The reason for the imposition of this condition is to prevent the occupiers from applying for permits for on-street car parking, to avoid over-demand for on-street parking in the vicinity of the site.
7. The main issue is whether the disputed condition is necessary, relevant to the development, and reasonable with regard to on-street parking provision at the appeal site and surrounding area, having regard to relevant development plan policies and any other considerations.

Reasons

8. I saw that parking spaces in streets within the vicinity of No 9 were subject to a mix of resident permit holders and restricted visitor parking, and that there were limited available spaces at the time of my visit during the late afternoon. I appreciate that this was only a snapshot in time of local conditions, and is not necessarily representative of the situation in the evening or on a weekend when the commercial uses to the ground floor are closed. However, my observations indicate that there is a clear demand for parking in close proximity to the site.
9. The Council do not dispute that there was a residential unit within No 9. I note that it contends that, given the extent of works, the existing unit is being extinguished and therefore the two dwellings created would be new. I have limited evidence from either of the main parties to demonstrate the extent of works approved under the original planning permission. Consequently, based on the evidence before me, I am not satisfied that the existing unit would be lost. However, notwithstanding this, Policy 31 of the City Plan relates to parking, and in this instance, I note criterion F is of importance. This states that where sites are redeveloped, existing parking provision must be reduced to meet the parking standards in the London Plan (2021) unless there is site-specific justification to re-provide an element of the existing parking. It goes on to state that with regard to housing renewal schemes, parking provision may be retained or re-provided where it meets criteria 1 to 3.
10. Criterion 1 states that existing occupiers with established parking spaces or permits are to return to the site once the development is completed, and that the retained or re-provided parking is for those residents only. Criterion 2 sets out that there should be evidence of adequate capacity within the relevant controlled parking zone if the re-provided parking is to be on-street. These criteria are outlined in the Council's Planning Obligations and Affordable Housing SPD adopted in March 2024 (the

² 24/08519/FUL

SPD). In my mind, given that the original permission for No 9 was to redevelop the property, the wording of City Plan Policy 31 is such that condition 6 relates to both units.

11. The Council contend that No 9 is located within a Public Transport Accessibility Level (PTAL) 4, rated Good. Policy T6 of the London Plan relates to car parking. Criterion B states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport. Criterion K states that boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. The starting point for the proposed development is therefore car-free.
12. I acknowledge that the appellant is willing to restrict future occupants of the additional unit from applying for on-street car parking permits; however, I have already found that City Plan Policy 31 is applicable to both units. As such, even if the City of Westminster On-Street Residential Parking Permit First Time and Renewal application pack (the Residential permit pack) would allow a qualifying individual to apply for 3 additional vehicles, I have nothing before me to demonstrate that the existing occupiers of No 9 had established parking spaces or permits and nor do I have anything to demonstrate that there is any site-specific justification for their re-provision. I am therefore not persuaded that the proposal would fulfil the requirements of City Plan Policy 31.
13. I acknowledge the frustrations of the appellant with regard to the Council's use of the word 'potential'; however, without any formal definition of the word within the development plan, I have taken its ordinary meaning, that being, it is capable of. From the evidence before me, I am not persuaded that the existing unit had established parking spaces or permits, which would be retained or re-provided. I also have no parking survey from either main party to demonstrate the existing parking situation, and therefore, the impact upon parking in the surrounding area comes down to planning judgment.
14. The condition in this respect, therefore, serves a clear planning purpose relevant to the development. It is also reasonable and necessary to ensure that the development does not cause harm to the amenities of neighbouring residents by increasing parking stress, which complies with the aims of City Plan Policy 31 and London Plan Policy T6. These collectively seek to ensure that all developments that are well-connected by public transport are car-free. The condition would also comply with the SPD.
15. The appellant does not dispute that they agreed to the pre-commencement trigger. The Council's original trigger of pre-commencement meets the tests set out in the National Planning Policy Framework, in respect that it is enforceable. Having regard to the six tests, and for reasons outlined above, I have not had to consider the appellant's request to amend the trigger to pre-occupation any further.

Other Matters

16. My attention has been drawn to an appeal at 74 Askew Road³ within the London Borough of Hammersmith and Fulham and in PTAL 2. I note that the Inspector saw that there were numerous unoccupied parking spaces within the vicinity of the site

³ APP/H5390/W/22/3304711

and additional spaces were marginally further away. The Inspector also notes that Key Principle TR3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document February 2018 states, amongst other matters, that parking permits may be issued for residential development, subject to them being within areas of PTAL 1-2. In the case before me, the appeal premises is within PTAL 4, and I saw that there were limited on-street parking spaces. Given the differences in their context, I am therefore not satisfied that this example is directly comparable to the appeal before me.

17. Whether or not there had been an Enforcement Notice served with regard to the repair of the premises falls outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.

Conclusion

18. I have considered the condition imposed by the Council and concluded that it should be retained. For the reasons given above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR