
Appeal Decision

Site visit made on 23 April 2014

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2014

Appeal Ref: APP/X5210/A/14/2213004

3 Fellows Road, London NW3 3LR

- 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 Ms Maeve Liffey against the decision of the London Borough of Camden Council.
 - The application Ref 2013/5906/P, dated 18 September 2013, was refused by notice dated 18 December 2013.
 - The development proposed is for the installation of a dropped kerb to allow parking for two vehicles within existing front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal amounts to sustainable development; and whether it would maintain adequate space for on-street parking.

Reasons

Sustainable Development

3. The National Planning Policy Framework (the 'Framework') states that at its heart is a presumption in favour of sustainable development, for decision taking this means approving development proposals that accord with the Development Plan without delay.
 4. Policy CS11 of the Camden Core Strategy (2010 – 2025) (CCS) amongst other things, seeks to make private transport more sustainable, which includes minimising provision for private parking in new developments. This is reinforced by CCS paragraph 11.17 of the supporting text, which states that the Council will continue to limit the amount of parking available for private cars, which represents a key part of its approach to addressing congestion and promoting sustainable transport choices. CCS Paragraph 11.21 states that demand for movement, deliveries and car parking on Camden's roads already exceeds the space available, meaning that effective management of Camden's road network is essential.
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5. Furthermore, in support of CCS Policy CS11, Policy DP18 of the Camden Development Policies (2010 – 2025) (CDP) also states that the Council will seek to ensure that developments provide the minimum necessary car parking provision and will expect development to be car-free in, amongst other things, areas within Controlled Parking Zones that are easily accessible by public transport. Again, this sentiment is reinforced by the supporting text of the CDP and specifically by paragraphs 18.2 to 18.4.
6. It is agreed between both parties that the Public Transport Accessibility Level (PTAL) is good and provides residents with a range of public transport alternatives to the private car. From this basis, I conclude, pursuant to Policies CS11 and DP18, that to provide private, off-street parking facilities at the appeal site would run counter to the Council's aspirations to limit the availability of car parking. Therefore, the proposals do not amount to sustainable development, as the proposed vehicular crossover would further encourage the use of unsustainable forms of transport, contrary to the planning policy set out above.

On-Street Parking

7. It is agreed between the parties that the formation of the crossover would lead to the loss of two parking spaces on-street. I acknowledge that currently this could be compensated for by the provision of 2no. parking spaces on the appeal site, as the occupants of Flats C and D, 3 Fellows Road currently having 1no. parking permit each. I also note that the occupants of these two flats would be willing to have their permits revoked that currently allow parking within the Controlled Parking Zone. However, taking into account recent case law in the form of Westminster City Council v SSCLG and Acons [2013], and para. 204 of the Framework, Planning Obligations should only be sought where they meet all of the following tests: Necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I have not been provided with a planning obligation that deals with this matter, nor am I convinced that even if I were, that it would comply with s106(1) of the Town and Country Planning Act 1990.
8. Therefore, whilst there may not be a material increase in parking pressures in the locality in the short term as a result of the proposal, this cannot be guaranteed. For example there is nothing to say that the occupants of Flats C and D could not obtain a second car, or the occupants of the other two flats (A&B) apply for a permit each. Occupation of any residential property is to some degree transitional and car ownership levels within 3 Fellows Road as a whole could easily change in the future.
9. In support of this stance CDP Policy DP19 states that the Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking. It will seek to resist development that would, amongst other things, add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions; and/or require a detrimental amendment to existing or proposed Controlled Parking Zones. In support of this, CDP paragraph 19.4 states that development that will reduce the amount of on-street parking or add to on-

- street parking demand will be resisted where it would cause unacceptable parking pressure, particularly in areas of identified parking stress.
10. Furthermore, CDP paragraph 19.6 acknowledges that whilst on-street spaces can be used by many different people with different trip purposes throughout the day, private off-street parking spaces will generally only be used for one purpose, often by a specific vehicle/s, and will remain unused at other times.
 11. However, I note that the appellants have submitted road parking survey data for the hours of 03:30 and 04:00 on 18 July and 19 July 2013 respectively. Whilst these can only be taken as a snapshot in time, the Council does not dispute the legitimacy of this data, which identifies seven vacant on-street spaces for each early morning time slot. Furthermore, whilst the Council states that the CPZ within which the site is located currently has a parking ratio of 1.10, meaning that 110 parking permits are issued for every 100 on-street parking spaces, the parking stress of just over 80% highlighted in the appellants survey data leads me to the conclusion that there is some on-street parking capacity over night. In addition, the extract from the Annual Parking Report provided by the Council is from September 2012 ie. 18 months old, which may signify that changes have occurred to the local parking situation. Whilst I acknowledge that both the Council and third parties refer to on-street parking pressures during a typical working day, at the time of my site visit (circa midday on a Wednesday) on-street parking spaces were available within Fellows Road.
 12. Therefore, whilst more parking permits appear to have been issued than on-street parking spaces that are available, from the snapshots in time that are the appellant's own parking survey, and from my daytime visit, I consider that the proposals would not result in an unacceptable loss of on-street parking; either during the daytime hours of the Controlled Parking Zone or overnight. I find no direct conflict between the proposals and CPD Policies DP19 and DP21 as summarised above.
 13. I note the planning applications and decisions cited by the appellant as relevant to the appeal, however, I have not been given the full details of these cases, and each case must be determined on its own merits. Notwithstanding the fact that I have found that the proposals would not give rise to a material increase in on-street parking stress, I have found that the proposals would not amount to sustainable development.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR