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# Appeal Decision

Site visit made on 26 January 2021

**by C Osgathorp BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

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**Appeal Ref: APP/L5810/W/20/3262137**

**1 St James's Road, Hampton Hill TW12 1DH**

- 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 Hampton Hick Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 20/1499/FUL, dated 19 May 2020, was approved on 29 September 2020 and planning permission was granted subject to conditions.
  - The development permitted is demolition of existing buildings and the erection of a replacement building to contain 9no flats (Use Class C3), with associated works including landscaping and parking.
  - The condition in dispute is No DV43C which states that: *"Before the development hereby permitted begins a scheme shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident/commercial occupiers of the development shall obtain a resident/commercial parking permit within any controlled parking zone which may be in force in the area at any time, nor a season ticket/enter into a contract to park in any car park controlled by the Council"*.
  - The reason given for the condition is: *"To ensure that the development does not generate an increased demand for on-street car parking to the detriment of the free flow of traffic, the conditions of general safety along the neighbouring highways, the amenity of the area and to accord with the Councils car parking policy and standards"*.
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## Decision

1. The appeal is allowed and the planning permission Ref 20/1499/FUL for the demolition of existing buildings and the erection of a replacement building to contain 9no flats (Use Class C3), with associated works including landscaping and parking at 1 St James's Road, Hampton Hill TW12 1DH, granted on 29 September 2020 by the Council of the London Borough of Richmond-upon-Thames, is varied by deleting condition DV43C.

## Preliminary Matter

2. The appellant indicated an intention to apply for an award of costs against the Council, however no application has been received. In the absence of information setting out the reasoning for an award of costs, I have not pursued this matter further.

## Background and Main Issue

3. The Council granted planning permission for demolition of existing buildings and the erection of a replacement building to contain 9no flats (Use Class C3), with associated works including landscaping and parking, subject to planning conditions. This includes pre-commencement condition DV43C which requires a

scheme to be agreed with the Council to restrict future occupiers of the development from obtaining parking permits, or season tickets for Council controlled car parks. The main issue is whether the condition is reasonable and necessary in the interests of highway safety and the amenity of the area.

### **Reasons**

4. The appeal site is located in a predominantly residential area. There are nearby bus stops in Uxbridge Road and the site has a public transport accessibility level (PTAL) of 1b. The site is not within a Controlled Parking Zone (CPZ) and there are no parking restrictions in St James's Road.
5. In accordance with Appendix 3 of the London Borough of Richmond upon Thames Local Plan July 2018 (the Local Plan), the parking standard for the proposal would be 10no off-street parking spaces. The proposal would provide 5no off-street parking spaces, which would be below the parking standard. Nevertheless, supporting paragraph 11.2.3 of Local Plan Policy LP45 indicates that fewer parking spaces may be acceptable if it can be demonstrated as part of a transport assessment, with supporting survey information, that there would be no unacceptable adverse impact on matters including: on-street parking availability, amenity or road safety. In general, it is expected that in PTAL areas of 0-3 the parking standards should be met.
6. The appellant's Transport Statement<sup>1</sup> shows the car ownership level for flatted housing in the area and calculates that the proposed development would create overspill parking of one vehicle on surrounding streets. The appellant's Parking Stress Survey<sup>2</sup> shows that there is enough on-street parking capacity within 200 metres of the site to accommodate overspill parking from the proposed development without pushing on-street parking stress to 85% or above. This is not disputed by the Council. Furthermore, I note that the local highway authority raised no objection to the proposal and did not set out a need for a condition to restrict parking permit entitlement for future residents.
7. Consequently, the evidence shows that the on-street parking saturation point would not be reached as a result of the proposed development. Therefore, the parking generated by the proposal could be satisfactorily accommodated on nearby streets without causing harm to highway safety or the amenity of the area. Accordingly, condition DV43C is not necessary to make the development acceptable in planning terms, and it is not reasonable because the appeal site is not within a CPZ and there is no evidence to suggest that it will be in the future.
8. Even if a CPZ were to be imposed in the future, parking controls, including a requirement for residents' parking permits, would be likely to reduce on-street parking stress compared to current levels. Whilst there is no evidence before me to show that the proposed development would generate greater on-street parking demand than that shown in the Transport Statement, even if this did happen it could be accommodated on nearby streets due to the additional on-street capacity that would arise from the introduction of a CPZ. Consequently, it would not be reasonable to restrict parking permit entitlement for future occupiers of the proposed development.

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<sup>1</sup> Prepared by Pulsar Transport Planning dated May 2020

<sup>2</sup> Prepared by Alpha Parking dated 09/04/2020

9. Furthermore, the information before me indicates that the Council did not give the appellant notice of the pre-commencement condition before the grant of planning permission, which does not meet the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

**Other Matters**

10. I have had regard to a representation from an interested party, which raises concerns regarding the effect of the proposal on the health and well-being of a local resident. The precise nature of the proposal's impact is not specified, however it is suggested that the resident would need to move home. It seems to me that this may be due to concerns about noise and disturbance caused by construction works. In this regard, the original planning permission includes Condition DV49, which requires a Construction Management Statement to be submitted to the Council for approval. This includes details of measures that will be applied to control the emission of noise, vibration and dust, including working hours. This would help to minimise the effect of noise and disturbance on local residents.

**Conclusion**

11. For the reasons detailed above, the condition would not meet the tests set out in paragraph 55 of the National Planning Policy Framework and I therefore conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition.

*C Osgathorp*

INSPECTOR