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ENCLOSURE 4

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APPEAL REF : APP/L5810/A/14/2223401
51A SHEEN LANE EAST SHEEN LONDON SW14 8AB

Appeal Decision

Site visit made on 21 October 2014

by Edward Gerry BA (Hons) MSc MRTPI

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

Decision date: 21 November 2014

Appeal Ref: APP/L5810/A/14/2223401

51A Sheen Lane, East Sheen, London SW14 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class J of the Town & Country Planning General Permitted Development Order 1995 (as amended).
 - The appeal is made by J Collard, D Collard and G Hatt against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 14/0387/P3JPA, dated 31 January 2014, was refused by notice dated 14 April 2014.
 - The development proposed is change of use from B1(a) office to C3 dwelling. Conversion to one bedroom flat.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Paragraph J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for a change of use from B1(a) office to C3 dwelling. Conversion to one bedroom flat at 51A Sheen Lane, East Sheen, London SW14 8AB in accordance with the details submitted pursuant to Schedule 2, Part 3, Class J of the GPDO.

Procedural Matters

2. There is a minor discrepancy between the site address that is detailed on the application form and that set out on the appeal form and the Council's decision notice. The site address details set out on the appeal form and the Council's decision notice more accurately reflect the location of the appeal site and thus I have used these in the banner heading and my decision above.
3. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its transport and highway impacts and contamination and flooding risks on the site. My determination of this appeal has been made in the same manner.

Reasons

4. The appeal site is not at risk from flooding. The Council refused to grant approval only on the basis of the risk of contamination and the alleged transport and highway impacts.
5. The Council states that the appeal site is located adjacent to a commercial printing business whilst it also outlines that an oil refiners and manufacturer, and a petrol station, are located in proximity to the site. On this basis it raises concerns, in the absence of any evidence to the contrary, regarding the

potential contamination risks associated with the proposal. However, the proposed development involves the conversion of an existing building, rather than the construction of a new building with associated groundworks, and the resultant dwelling would not have a garden associated with it. Furthermore, there is no evidence in front of me which suggests that contamination has been an issue for previous occupiers of the building. Therefore, I am satisfied that there is no significant possibility of harm being caused to future occupiers of the proposed dwelling in respect of contamination.

6. Turning to the matter of transport and highway impacts, I note that the proposal would create a requirement for an additional vehicular parking space during the evening in an area where vehicular parking is already heavily constrained. In addition I acknowledge that off-street car parking cannot be provided on-site and the Council's view that the appellants have failed to demonstrate that the proposal would not result in an unacceptable impact in terms of on-street parking and local traffic conditions.
7. Nevertheless, the proposal relates to the development of a one bedroom dwelling rather than a family sized home. Furthermore, the dwelling would be located in very close proximity, and thus would have good access to, the shops, services and facilities situated on Sheen Lane including Mortlake Train Station which provides regular train services into central London and a number of other destinations. Therefore, future occupiers of the proposed dwelling may not create a requirement for an additional vehicular parking space in the evening. Even if future occupiers did create a requirement for an additional vehicular parking space in the evening any harm that would arise, in terms of on-street parking and traffic conditions, would not be unacceptable given that any impact would be negligible when considered against the existing demand for on-street vehicular parking spaces and the amount of traffic associated with Sheen Lane and the surrounding streets.
8. For these reasons I conclude that whilst Prior Approval is necessary, the development would not raise any contamination risks or result in harm in respect of transport and highway impacts. Although the development plan policy referred to by the Council is noted, it does not demonstrate or substantiate an adverse impact in relation to transport and highway matters. Furthermore, the Framework outlines that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The creation of residential unit in an accessible location would meet the aims of the Framework to promote sustainable means of transport and help meet the pressing need for new housing, thereby meeting its overarching goal to promote sustainable development.

Conditions

9. Paragraph N(11) of the GPDO states 'The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval'. Having regard to the Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council.
10. The first condition that the Council suggests relates to the storage and disposal of refuse/recycling. Whilst I note the Council consider that this condition is required for highway reasons and in the interests of pedestrian safety, in my

view, given the level of refuse/recycling that would be generated by the proposed development its storage and disposal would not have a detrimental impact as is suggested by the Council. As a result, I consider that the condition is not necessary. The Council has also proposed three other conditions which relate to matters concerning transport and highway impacts and contamination risks associated with the proposed development. Given my conclusions above regarding these matters I consider that these proposed conditions are not necessary either.

Conclusion

11. I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraph J1(c) that the development shall be completed on or before 30 May 2016.

Edward Gerry

INSPECTOR