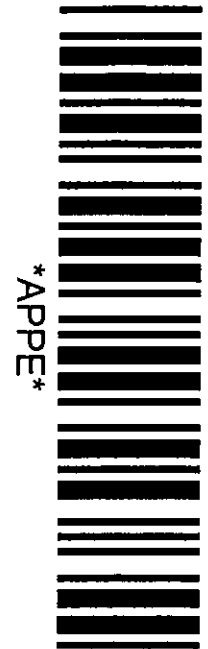


ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL



\*APPE\*

NEW APPEAL

DATE: 8-04-03

ht

TO: DEREK TAYLOR / PAUL KELSEY  
JOHN THORNE / BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA -  
FILE(S) ATTACHED. THE SITE ADDRESS IS:

12-14 POTTERY LANE, W11

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING  
WITH THIS APPEAL:

AP

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE  
APPEAL TO BE DETERMINED:

- ♦ WRITTEN REPRESENTATIONS
- ♦ HEARING
- ♦ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE  
APPEALS SECTION WITHIN 24 HOURS

THANK YOU

APPEAL NOTIFICATIONS

Re: 12-14 POTTERY LANE, W11..

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Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

WARD COUNCILLORS:

- 1. Cllr David Lindsay - 26, Avondale Park Gardens, W11 4PR
- 2. Cllr Ernest P. Tantin - 43, Wallingford Avenue, W10 6PZ
- 3. Cllr Richard Walker - Amot - 27, Finchstock Road, W10 6LU

KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace, London W11 2QJ)

CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens, London SW10 9QF)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

ALL 3<sup>RD</sup> PARTIES ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

23

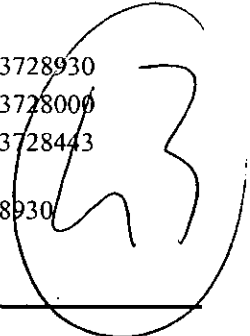
17/4/03



# The Planning Inspectorate

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

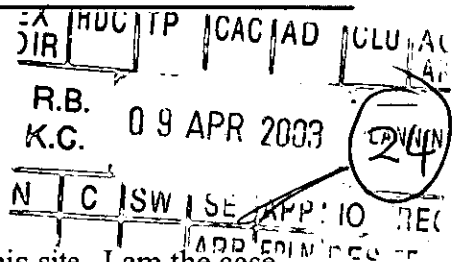


Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/01933/CUSE  
Our Ref: APP/K5600/A/03/1114614  
Date: 8 April 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR COLIN DAY T/A  
SITE AT 12-14 POTTERY LA, LONDON, W11 4LZ



I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

The following documents must be submitted within this timetable:

**Within 2 weeks from the starting date -**

**You** must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit **3 copies within 6 weeks of the starting date**. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

**You** must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

**Within 6 weeks from the starting date -**

**You** must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. I will send you and the appellant a copy of any comments submitted by interested parties.

**Within 9 weeks from the starting date -**

**You** and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

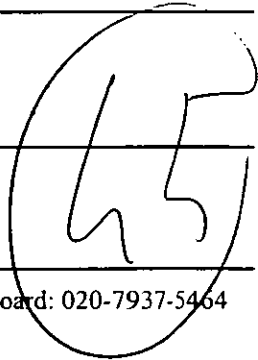
Yours faithfully

  
Mr Dave Shorland

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

File Copy

1 Direct Line: 020-7361-3651

Extension: 3651

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 17 April 2003

My Ref: DPS/DCN/PP/02/01933

ODPM's Reference: App/K5600/A/03/1114614

Please ask for: Mr.A. Paterson

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 12/14, Pottery Lane, London, W11 4LZ**

A Planning Appeal has been made by Mr. Colin Day T/A The Radio Consultancy, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's imposition of conditions in connection with the granting of an application for: Change of use from studio/offices to residential (1 unit).. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

**The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**

Please send 3 copies and quote the ODPM's reference given above. **The Inspectorate must receive your representations by 20/05/03 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 20/05/03. Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the relevant condition(s), the Council's reason(s) for imposition and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after **20/05/03 (please telephone ahead in order to ensure that these are available)**. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

**M. J. FRENCH**

**Executive Director, Planning and Conservation**



INVESTOR IN PEOPLE

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Mr. Colin Day T/A The Radio Consultancy,  
38 Gough Way,  
Cambridge,  
CB3 9LN

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 3651  
Extension: 3651  
Facsimile: 020-7361-3463

---

Date: 22 April 2003

---

My Ref: DPS/DCN/PP/02/01933/AP

ODPM's Reference: App/K5600/A/03/1114614 Please ask for: Mr.A. Paterson

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 12/14, Pottery Lane, London, W11 4LZ**

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Office of the Deputy Prime Minister,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimilie: 020-7361-3463

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 22 April 2003

My Ref: DPS/DCN/PP/02/01933/AP  
ODPM's Reference: App/K5600/A/03/1114614

Please ask for: Rebecca Gill

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 12/14, Pottery Lane, London, W11 4LZ**

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE



For official use only  
Date received



# QUESTIONNAIRE

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: PP/02/1933

APPEAL REF: APP KS600/A/03/1114614 GRID REF: \_\_\_\_\_

APPEAL BY: MR COLIN DAY T/A

SITE: 12-14 POTTERY LANE, W11

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the starting date given in our letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the starting date.

<p>1. Do you agree to the written representations procedure?</p>	<p>YES / NO</p>
<p>OR Do you wish to be heard by an Inspector at:</p> <p>a. a local inquiry?</p> <p>or b. a hearing?</p>	<p>YES / NO</p> <p>YES / NO</p>
<p>2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?</p> <p><i>(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)</i></p>	<p>YES / NO</p>
<p>3. Does the appeal relate to an application for approval of reserved matters?</p>	<p>YES / NO</p>
<p>4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p>YES / NO / NA</p>
<p>5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?</p>	<p>YES / NO</p>

● Is the appeal site within an approved Green Belt or AONB?

Please specify which .....

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YES  NO

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)

YES  NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?  
If YES, please attach details and, where necessary, give our reference numbers.

YES  NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES  NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)

YES / NO

10. Does the appeal relate to an application for conservation area consent?

YES  NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building?

YES  NO  
Grade I / II\* / II

b. Would the proposed development affect the setting of a listed building?

YES  NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES  NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES  NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments.

~~YES~~ / NO

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?  
If YES, please attach the comments of English Nature.

YES  NO

b. Are any protected species likely to be affected by the proposals?  
If YES, please give details.

YES  NO

15 Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.

YES  NO

Sch 1 ~~Sch 2 col 1~~

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?

YES  NO

c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

YES  NO

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

Number of Documents Enclosed

N/A

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

✓

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

✓

1

g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

✓

h. Details of any other applications or matters you are currently considering relating to the same site;

pp103/503

✓

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.

Extracts from uap chapters 5+7. (Adopted May 2002)  
1-3,

✓

j. Any supplementary planning guidance, together with its status, that you consider necessary.

✓

k. Any other relevant information or correspondence you consider we should be aware of.

NOT considered & appropriate yet

16 a. What is the date you told those you notified about the appeal that we must receive any further comments by?

20<sup>th</sup> May '03  
17<sup>th</sup> April '03

Notif. letters dated →

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

- i) representations received from interested parties about the original application
- ii) the planning officer's report to ~~committee~~ <sup>DELEGATED</sup> ~~members panel~~
- iii) any relevant committee minute

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Number of Documents Enclosed	N/A
	✓
✓	
	✓

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal?  
If NO, please send the following information:-

YES  NO

a. In non-determination cases:

- i) what the decision notice would have said;
- ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

- i) the relevant planning history;
- ii) any supplementary reasons for the decision on the application;
- iii) matters which you want our Inspector to note at the site visit.

~~18. THE MAYOR OF LONDON CASES ONLY~~

~~a. Was it necessary to notify the Mayor of London about the application?  
If YES, please attach a copy of that notification.~~

~~YES / NO~~

~~b. Did the Mayor of London issue a direction to refuse planning permission  
If YES, please attach a copy of that direction.~~

~~YES / NO~~

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: [Signature] on behalf of RBK & C Council

Date sent to us and the appellant 22<sup>nd</sup> April 2003

**Please tell us of any changes to the information you have given on this form.**

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St Clements House  
2-16 Colgate  
Norwich NR3 1BQ



**ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**APPEAL**

**12/14 POTTERY LANE KENSINGTON W11**

Appeal made by Mr Colin Day under Section 78 of the Town and Country Planning Act 1990(as amended ) against the Council's Decision to impose Condition No2, on the planning permission dated 8<sup>th</sup> October 2002,for **12/14 Pottery Lane W11**, for the change of use from studio/offices to one residential unit, the condition stated "The whole of the car parking space show on the drawings approved shall be provided before the dwelling is occupied and the space shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwelling and for no other purpose".

## 1.0 STATUTORY PLANS AND POLICIES

- 1.1 On 28<sup>th</sup> August 1995, the Council's Unitary Development Plan (UDP) was formally adopted and it is the Statutory Development Plan for the Borough.
- 1.2 The Council has reviewed its Unitary Development Plan and proposed a set of alterations to keep the plan up to date and relevant in line with Government policy. The Unitary Development Plan Alterations were approved for consultation by the Council's Planning and Conservation Committee on 19<sup>th</sup> April 1999. The Unitary Development Plan has been the subject of consultation with statutory bodies in line with Planning Policy Guidance Note 12 (PPG12) 'Development Plans and Regional Planning Guidance' (February 1992). This Consultation took place between 30<sup>th</sup> April and 11<sup>th</sup> June 1999. The Unitary Development Plan Alterations were deposited from 28<sup>th</sup> January to March 2000. The alterations to the Unitary Development Plan are a material consideration for development control purposes and have acquired weight as they have progressed through the statutory process. A public inquiry was held between 10<sup>th</sup> January 2001 – 15<sup>th</sup> February 2001. The Inspector's Report was received by the Council on 3<sup>rd</sup> July 2001.
- 1.3 The Council responded to the Inspector's report and adopted the alterations to the Unitary Development Plan on 25<sup>th</sup> May 2002.
- 1.4 Other relevant documents are Circulars, Planning Policy Guidance Notes and other advice from Central Government, and the Statutory framework provided by the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990, and the Planning and Conservation Act 1991.
- 1.5 Section 54A of the Town and Country Planning Act 1990 places an emphasis on the need to meet the requirements of the Development Plan, and states:-

"Where on making any development under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise."

Planning Policy Guidance: General Policy and Principles (PPG1) states:-

"Conversely, applications which are not in accordance with relevant policies in the Plan should not be allowed unless material considerations justify granting planning permission." (PPG1 paragraph 40).

Concerning design, PPG1 advises at paragraph 15:-

"Good design should be the aim of all those involved in the development process and should be encouraged everywhere."

"Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals

and that they have had regard to relevant development plan policies and supplementary design guidance..." (PPG1 paragraph 16).



It further advises in paragraph 17:-

"Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subject to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings."

Paragraph 4.14 of PPG15 states inter alia:-

"Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving and enhancing the character or appearance of the Conservation Area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the Planning Authority's handling of development proposals which are outside the Conservation Area but would adversely affect its setting, or views into or out of the area."

## **2.0 THE SITE**

- 2.1 The property is a two storey building located on the East side of Pottery Lane approximately 75 metres from its southern junction with Portland Road. The rear of the building is faces the rear of Nos 65 and 67 Portland Road and they are approximately 5metres apart.
- 2.2 The property is not a Listed Building but is located within the Norland Conservation Area.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The Council granted planning permission in a letter dated 8<sup>th</sup> October 2002, for the change of use of the property from a studio/office to a single residential unit, the permission contained three conditions the relevant condition being Condition No2 which states " The whole of the car parking space shown on the drawings hereby approved shall be provided before the dwelling is occupied and the space shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwelling and for no other purpose. The reason for the condition was stated as " To prevent obstruction of the surrounding streets and safeguard the amenity of the area".
- 3.2 The appellant, without consultation with the Council, appealed to the Planning Inspectorate against the imposition of Condition No 2of the Planning permission dated 8thOctober 2002 and this now forms the subject of this appeal.



4.0 AMPLIFICATION OF THE REASONS WHY THE COUNCIL IMPOSED CONDITION NO2 OF THE PLANNING PERMISSION DATED 8<sup>TH</sup> OCTOBER 2002.



- 4.1 The Council when determining the change of use from studio/office to residential addressed the subject of the integral garage within the property and stated in the delegated report " The property benefits from an integral car parking garage which is slightly smaller than size standard for car park proposal garage but the Director of Transportation and Highways has advised that the garage would be able to house 85% of cars on the British market and would therefore like to retain the garage for the purposes of car parking only, in line with Policy TR46. This condition is considered reasonable and should be imposed".
- 4.2 The Royal Borough is the most densely populated local authority area in the UK and has a close network of residential street. Car ownership is 50% (households with access to one or more cars) for the Borough as a whole and 65 % in Norland Ward where the Appeal premises are situated (1991 census figures).
- 4.3 The whole of the Borough is covered by a controlled parking zone (CPZ) comprising residents' bays, Pay and Display bays (P&D) and others for Doctors, Disabled badge holders, Diplomats etc. The hours of control are 0830 – 1830 Monday to Friday and, in this area 0830 –1330 on Saturdays. The controls extend to 2200 Monday to Friday on residents' bays in most areas. There are 26,000 residents' bays and 41,500 current residents' parking permits for the Borough. For this Ward the figures are 1273 spaces and 2337 current permits, almost two permits per space.
- 4.4 The nature of the Borough means that there is high demand for residents' bays on street, with some areas being saturated. Saturation parking occurs when occupancy reaches 90%. **Table A** below shows the residents 'parking occupancy in surrounding residential streets.

Street	Approx res spaces available	Available spaces	%age occupancy
Princedale Road	76	7	92
Portland Road	106	14	85
Pottery Lane	13	2	85
Penzance Place	17	1	95
Penzance Street	21	3	86

**Table A Overnight occupancy of residential parking spaces**


Source: 1996 data

92 = saturated



56

- 4.5 The effects of saturation parking are well known:
- Residents drive around the area seeking spaces to park causing a reduction in environmental quality in local streets;
  - Residents are obliged to park some distance from their homes causing inconvenience, but more severe problems for lone women and the elderly especially at night;
  - Drivers are tempted to park in hazardous locations, for examples across accesses and too close to the radii of junctions.
- 4.6 In order to address the severe parking conditions, the Council has developed a range of policies, including Policy 43 which states, **TR 43 (formerly TR47) “ To resist development which would result in the loss of off street residential parking.”**
- 4.7 All the policies in the UDP are in accordance with Government Guidance, as they reflect the conditions that the Council must deal with in this particular area. The Policies have been approved by the Inspector during the recent UDP process.
- 4.8 It is accepted that the garage protected by condition on the grant of planning permission dated 8/10/02, does not comply with the Council’s recommended minimum standards. From the scale plans it would appear that the garage measures 4.5m x 2.35m compared with the recommended 4.8m x 2.4m .In other words the garage is approximately one foot shorter than the minimum recommended and two inches narrower.
- 4.9 A garage of these dimensions can accommodate up to 84% of the new car registrations on the market. This is shown in **Table B** attached. The Council contends that the garage further provides useful off street parking space as it can also accommodate cycles and motorcycles. Slightly smaller garages are common in mews and mews type streets; property owners ensure that the car they buy is an appropriate size.
- 4.10 The application for the change of use was granted in October last year with express condition that the retention of the off street space would be necessary for the residential use.
- 4.11 The Appellant argues that it would be dangerous manoeuvring in and out of the garage, given the volume and speed of the traffic on Pottery Lane. In reply the Council would state that:
- Pottery Lane is classified as a local road, providing for local access only. The volume of traffic varies depending on local demand, and there is an appreciable volume during the peak hours;

- 
- The narrowness of the Lane means that traffic moves slowly while drivers take account of the conditions;
  - The Lane is also a well used by cyclists and pedestrians, which again tends to reduce driver speed.
  - There have been no personal injury accidents recorded in Pottery Lane since 1990 (apart from an underage motorcyclist losing control at the far north of Pottery Lane in 1991.) There are other garages in similar locations in the Lane, and no accidents have been brought to the Council's attention.
  - A driver emerging from the garage would have a reasonably good view of approaching traffic. Research by the Council into accidents involving manoeuvres in and /out of private roads and drives (1999 -2001) demonstrated that manoeuvring out from private drives was not generally a hazardous operation.
  - Similar conditions are widespread in a built up area such as this.

4.12 The Council consider that the imposition of the condition requiring the retention of the garage for the purposes of car parking was a reasonable decision for the reasons set out in this statement, that the condition satisfies the relevant tests in DOE Circular 11/95, and therefore requests the Inspector to uphold the Council's decision.