



Appeal Decision

Site visit made on 8 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17/06/2022

Appeal Ref: APP/P5870/W/21/3289236

Vulcan House, Restmor Way, Hackbridge, SM6 7AH

- 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 Mr Neufeld of River Wandle Ltd against the decision of London Borough of Sutton.
 - The application Ref DM2018/00457, dated 13 March 2018, was refused by notice dated 17 June 2021.
 - The development proposed is application for change of use of ground floor, mezzanine level and first floor from office to residential and erection of a second floor roof extension to provide a total of 57 units (42x1 bed, 9x2 bed, 6x3 bed) together with the extension of the existing stairwell and construction of a new stairwell and external alterations including installation of new windows.
-

Decision

1. This appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which includes a mechanism relating to car club provision amongst other things. I will return to this matter later in this decision.
3. Amendments were made during the application process. Therefore, the description of development is taken from the appeal form and decision notice. This accurately describes the development proposed.
4. Prior approval has been granted at this site for a change of use from office to residential use to provide 48 residential apartments¹, as well as changes to the fenestration and external elevations² with 45 car parking spaces (The prior approval scheme). The development was under construction at the time of my site visit.

Main Issue

5. The main issues are the effect on highway safety with particular regard to car parking and safe and suitable access to the site for pedestrians.

¹ C2015/72275

² C2016/74230

Reasons

Highway Safety

Car Parking

6. Policy T6.1 of the London Plan (2021) (LP) sets a maximum requirement of 44-45 car parking spaces for this scheme in Outer London and Policy 37 of the Sutton Local Plan 2016-2031 (2018) (SLP) requires a maximum of 63 spaces. These are maximum standards. Policy T6 of the LP and Policy 37 of the SLP are clear that car parking should be restricted in line with public transport accessibility levels.
7. The proposed development includes 41 car parking spaces and storage space for 58 bicycles. The development would not exceed the maximum parking standards and therefore it is not contrary to Policy T6.1 of the LP or Policy 37 of the SLP in this respect. A UU has been submitted which secures two of the car parking spaces within the development for use by car clubs for a minimum of two years. Two residential occupiers would have their membership of the car club paid for two years.
8. Given the low public transport accessibility of the site it is likely that there would be a high demand for car parking. The car club measures secured by the UU differ from those set out in the Council's committee report. I am not satisfied that these car club measures, even when combined with the travel plan would meaningfully reduce the parking demand. Due to these circumstances, the development is likely to result in overspill parking.
9. I am not presented with evidence that satisfies me that overspill parking could be accommodated safely in the surrounding streets within a convenient walk of the proposed dwellings. Consequently, the proposed development would be likely to result in cars parked in unsuitable and dangerous positions resulting in an unacceptable impact on highway safety. This would be contrary to the requirements of Policy D3 and T6 of the LP and Policy 37 of the SLP which require the provision of car parking taking into account public transport accessibility and avoiding overspill parking and the provision of safe environments.
10. Any issues with the deliverability of the parking spaces for the prior approval scheme do not form part of the appeal before me now.

Safe and Suitable Access

11. There are no pavements connecting the site to Hackbridge Road, although there is space to walk that is separate from the road between the junction of Hackbridge Road and the north western end of the site. I understand that the space at the front of Vulcan House was previously informally used for car parking and at the time of my site visit this area was being paved to create formal parking spaces associated with the prior approval scheme. Opposite the site, the southern side of Restmor Way has some areas off the road which are informally used for car parking, along with large areas of vegetation where pedestrian and vehicle access is not possible. Therefore, outside Vulcan House pedestrians are required to walk in the road. Restmor Way serves a number of commercial premises and is accessed by large vehicles. This is not a pedestrian friendly environment.

12. The proposed development would be likely to significantly increase the number of pedestrians accessing the site, including families, and access would be required along the full length of the Vulcan House site. The development would therefore lead to people walking in the road with more pedestrian and vehicle conflict and a higher likelihood of safety issues such as a collision arising than at present.
13. A similar arrangement has been approved at Shepley House³. However, this property is positioned closer to the junction of Hackbridge Road and therefore the potential for pedestrian and vehicle conflict would be lesser than for the appeal scheme.
14. The development would therefore be contrary to Policies D3 and T2 of the LP and Policy 28 of the SLP. Together these require development to provide safe environments, be accessible for all, with convenient and inclusive pedestrian routes.

Summary

15. This development proposes more dwellings than the prior approval scheme. Therefore, any effects on highway safety as a result of car parking and the number of pedestrians accessing the site associated with the development before me now would be greater than for the prior approval scheme. As such this scheme would be more harmful and therefore this does not justify the proposed development.
16. The proposed development would therefore have a harmful effect on highway safety with particular regard to car parking and safe and suitable access to the site for pedestrians. Consequently, in this respect, it would be contrary to Policies D3, T2 and T6 of the LP, and Policies 28 and 37 of the SLP, the aims of which are set out above.
17. Policy 40 of the SLP mainly relates to land use for site allocations, therefore the policies set out above are more relevant to this main issue.

Conclusion

18. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR

³ DM2018/01921