

Lynden Gate Parking Survey – Second Report: The Basis of Space Allocation

Introduction

My First Report was issued on 11th May. Since then I have had e-mail consultations with most residents on both estate-wide and local issues. I think we are now in a position to form conclusions on some of the issues and to present a means of dealing with others.

This Second Report presents my conclusions on what was called “The Big Issue” of whether parking spaces should be determined under London Rules, a Code of Conduct or Allocated Spaces. And it outlines how we expect to push this exercise to completion.

A Third Report, issued at the same time as this one, presents the Board’s view on a wide range of secondary issues raised and suggestions made by residents throughout the consultation process. It provides a mechanism for residents who disagree with the Board’s position to promote their own views.

Conclusions from the consultation on London Rules / Code of Conduct / Allocated Spaces

I am firmly of the opinion that, while many people feel they have inconsiderate neighbours, there is no-one who is outrageously inconsiderate; everyone has a reason for what they do. I am sure that all the issues identified can be resolved by people understanding better each others’ problems and exercising tolerance. There are enough spaces to go round; we just need to use them more sensibly and a little more flexibly.

Votes were far from comprehensive and were fairly evenly spread between the three options. However, two comments were made which forced me to change my stance and, I believe, allow us to come to the answer:-

- Most forecourt spaces – about half of the total spaces on the estate – are inextricably allocated to garage owners. If many of these owners were to park on the road leaving the spaces outside their garages empty, as London Rules would (and used to) allow, the estate would (and used to) seize up.
- A legal opinion on the effect of the covenants was given in 1997 when Sir Pat Lowrie did a similar exercise. This gave the view, among other things, that the Board could not “designate specific areas of the roadways as parking areas for the exclusive use of specified residents without the unanimous agreement of all the residents” and this led to the first version of the current voluntary Parking Code.

So we are back to a Code of Conduct

So it seems that we can’t operate under London Rules and we can’t go for Allocated Spaces. So we are back to a Code of Conduct. The present Code is fine for people who have spaces both outside their garage and outside their house. It is of only marginal use to those who have only one of those and it is hopeless for those who have neither. This time we have to revise the Code to ensure that it addresses all residents not just the happy ones. The form of the Code is an agreement among neighbours that for the sake of orderly and quiet living we will all park according to its principles.

What should those principles be? What we can do is limited both by the number of possible parking spaces within the physical layout of the estate and by the legal rights of residents as set by the covenants. Let me try to pick my way gingerly through this minefield. And the first careful step is to point out that in the remainder of this document I use the word “allocate” to mean deciding with neighbours who will park where without any connotation of gaining an enforceable right so to park.

Principle 1: Everyone has a garage to which they have the absolute right of unobstructed access.

Nothing complicated here, just a statement of fact – no matter what might have been agreed in the past or by a previous owner, if a resident wants to park in his garage then others cannot park so as to obstruct it. Of course owners can, and often do, waive (revocably) that right in order to allow others to park more conveniently - often when garages are at right angles to one another.

Principle 2: It is the responsibility of neighbours to agree the orderly arrangement of parking spaces on the roadways and in forecourts as needed

The Board cannot give rights to any particular spaces so the only way parking arrangements can be made is by agreement among consenting adult neighbours – to the Parking Code in general and to specific local arrangements in particular. No change here – this is how it has always happened – just a bit of emphasis. In the event of a dispute residents can ask the Board to give its opinion on what a reasonable agreement would be. In coming to this opinion it will follow the principles set out here and to be written into a new Parking Code. The Parking Code then essentially will allow neighbours to understand how the Board would opine, thus (hopefully) obviating the need for much Board involvement.

Principle 3: Every house should have the use of one space that is recognised by their neighbours as for their exclusive use

Crunch question – how many spaces per household is reasonable? Households have between 1 and 3 cars. Some use their garages. Some have occasional requirements – seasonal arrangements, children at university etc. Some have spaces outside their garages, some don't. Some don't have spaces outside their houses. Some people (particularly those who live a long way from the gates) believe there should be provision for visitors while others vehemently oppose this.

Let's begin at the beginning. Almost everybody wants at least one space outside their garage. I say “almost” because there is one household who park two cars in their garage and do not use regularly any other spaces. Notwithstanding these heroes I think it is fairly safe to say that everyone can have one space to themselves. Safe maybe, but this would be a big advance for those houses that have neither a space outside their garage nor one outside their house.

But which particular space should be allocated under this principle?

Principle 4: Residents should use, or release for others to use, forecourt spaces before parking on the road. Spaces for residents' first vehicles should be allocated in the following priority order:-

- *First, spaces outside garages are allocated to their owners - either those that are used or those that are required to be left empty because the owner uses the garage;*
- *Second, spaces on the roadway are allocated to those houses who have no usable forecourt space or who release their forecourt space for the use of others.*

If a resident has a space outside his garage which he insists on being kept free for his garage access then, obviously, that is the space that should be allocated – anything else would have the effect of allocating two spaces. Putting that another way, the first allocation would be of spaces outside garages unless the garage owner waives his right and makes that space available to others so that he can have his first spot on the road. Any such waiver would, of course, be completely revocable – there is no question of an amicable neighbourly agreement aimed at easing parking pressures giving permanent rights – and the garage owner can switch back to the space outside his garage if he chooses.

Now what do we do about second and third cars and visitors?

Principle 5: Second spaces, as close to residents' houses as possible, should be allocated to those houses that regularly park a second car.

This enshrines the existing Code principle that residents should be allowed to park outside their own houses but it deals with the London Rules problem of a lot of empty spaces outside garages.

But this is where the consensus of opinion gets tricky to ascertain. I tested various options by seeing what would happen if allocations across the estate were made according to various versions of the principles relating to second and third cars and visitors.

Some people believe that all houses should have the same rights – heated references to socialist principles (from each according to his ability, to each according to his need) were occasionally made. And we could indeed stop at allocating one space per house and leave all others to be taken on a first come first served basis. But this would be as bad as London Rules and it would put a lot of second car drivers in the position of not knowing where they are going to park for the night. It is my perception that most residents would be against that.

We cannot allocate two spaces per household across the board because, although in theory there are just enough spaces to do so, some of the allocations would be in rather weird places and we would simply be keeping perfectly good spaces empty while others were struggling to get into a tight spot a long way from their front door. And there would be almost no spaces for visitors. In practice the good spaces would be used and arguments would break out. So equal allocations for all houses (of either one or two spaces) is not the best solution.

At first I tried simply to allocate those spaces that people had asked for in response to the question “which spaces do you regard as customarily yours”? And this works in Seaton – there are enough spaces to go round. But it doesn't work in Beaufort, the last few allocations would have to be into very difficult intrusive places (some of them in Seaton), all visitor spaces get taken up, people start asking for more spaces than they need and good neighbourly relations break down.

So the only option we are left with is to allocate second spaces as needed as in Principle 5 above. Please note the careful use of the phrase “regularly park a second car”. We need to

be very clear in order to avoid abuse and disputes. So it's not "might want to park a second car", it's not "occasionally need to park a second car" it's "actually do regularly park a second car".

But is this harsh on those who really do have an occasional need?

Principle 6: Third vehicles, occasional use of a second space and visitors all take the same priority – ie that they can use any spaces not allocated under Principles 4 and 5 on a first come first served basis and if there are not enough spaces to go round then such vehicles will have to be parked outside the estate.

If we only allocate spaces for cars that are regularly parked (although my information on these might not be completely correct) there are about 20 generally quite usable spaces that would be free for occasional use, for visitors or for third vehicles. This seems to me to be enough to allow people to have sufficient confidence that they will usually find such an "Occasional Use" space when required not to feel the need to try to "hoard" spaces. And if it isn't then I fear that the only remaining solutions are either to create more parking spaces from gardens or somehow to insist on greater use of garages.

Note that I have made no allocation for third cars. It was clear to me from comments received that the consensus is that third cars are not well received and most people would rather have space for visitors and occasional second cars.

On the general question of multiple vehicles the Board has the power, although we would hope not to have to use it, to have unused or even little-used cars removed as an obstruction.

Principle 7: Where there is conflict between 2 or more residents for a particular spot, allocation should be decided on a judgement of aggregate overall convenience.

This principle is a refinement that will rarely be invoked – it only needs spelling out because feelings do sometimes run high. Just occasionally you find two households with an equal claim to a single spot – typically because that one spot is the nearest to both front doors. In such cases we would consider the next alternatives for each house and then select the one that is least inconvenient. In the few cases that I have found it would typically mean someone walking 30 yards instead of 20.

"Parking Spaces as at 11 June 2009" and updating

I attach to this report the spreadsheet document "Parking Spaces as at 11 June 2009". Let us be clear what this is and what it is not.

It *is* simply a schedule of the parking allocations that the Board would suggest, following the above principles, if asked for its opinion on the whole estate and it is based on my understanding of the cars that, as at 11 June 2009, are parked regularly here.

It *is not* a mandate for where you can and cannot park – that has to be agreed with your neighbours. But it might well form the basis for such an agreement.

And needs will change as people move in and out, so arrangements will have to be modified each time there is a change. And we can't even really draw a permanent map of parking

spaces because that changes according to sizes of car and local habits (eg whether we have 6 or 7 cars outside 21-24 Seaton and whether the practice of blocking off the forecourt in the SE corner of Seaton would survive a change of residents).

What happens next?

We will wait a month to see what reaction we get from residents to this Second Report and to the Third Report issued at the same time. Further action depends to a large extent on what that reaction is.

If everyone is generally happy (ie there is no substantial adverse reaction) we will re-draft and issue the Parking Code in accordance with the principles outlined here. And that will, to great relief all round, be the end of the exercise.

If residents requisition referenda on any of the issues in the Third Report then we will conduct them.

If reaction is very mixed or inconclusive we will have to think again. But I remain optimistic that with tolerance and better understanding we'll be able to resolve the parking issues that we have had recently.

Neil Chisman
11 June 2009