

Meeting: Planning and Development
Committee

Agenda Item:

Date: Monday 13 July 2020

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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1. APPEALS RECEIVED

- 1.1 19/00529/FPH, 2 Whitney Drive. Appeal against refusal of permission for a prt two storey, part first floor side extension.
- 1.2 20/00102/ENF, Land between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against serving of Enforcement Notice relating to the unauthorised erection of 2m high hoarding enclosing open space between all three roads.

2. DECISIONS AWAITED

- 2.1 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.
- 2.2 This appeal for Boulton Road has been re-started as of 18 February 2020 to allow for the procedure to be changed from written representations to a hearing.

3. DECISIONS RECEIVED

- 3.1 19/00620/FP, 8a and 8b Magellan Close. Appeal against refusal of permission for the variation of condition 1 (approved plans) and removal of condition 11 (no new windows and doors) attached to planning permission 16/00791/FP.

3.2.1 Procedural Matter

In light of the current Covid-19 Coronavirus pandemic the Inspector felt that the appeal could be determined without the need for a site visit. No objection to this was raised by any party.

3.2.2 Main Issue

The application site is a pair of semi-detached dwellings in a residential area. The Council imposed a condition on the original permission restricting the introduction of any new windows, doors or openings to protect the amenities of neighbouring properties.

The appellant sought to remove this condition and the Council refused the application on the basis that the proposed development could result in the creation of a bedroom in the loft space. This would require one additional car parking space per dwelling which cannot be adequately provided on site in accordance with the Council's adopted standards. It is alleged the proposal would result in on-street parking that would be prejudicial to highway safety. The main issue therefore is the effect that

removing the condition would have on the safety and convenience of users of the adjacent highway network.

3.2.2 Reasons

Each dwelling is originally designed to have 3 bedrooms and in accordance with the Council's adopted parking standards, would require 2 off-street parking spaces. These would be provided in tandem to the side of the dwellings.

The appellant proposes to utilise the loft space as an office, hobby room or storage. The Inspector felt that whilst this was the intention, the rooms are big enough to be used as bedrooms and would then require an additional off-street car parking space as a four bedroom property. With the restricted curtilage of the dwellings as per the approved plan, the Inspector agreed with the Council that this would lead to an under-provision of off-street parking of one space per property.

The Council's adopted car parking strategy allows for reductions in off-street provision where the location and/or characteristics of the development could reduce car ownership levels. Existing car parking problems should not be exacerbated. The appeal site is not within a residential accessible zone and therefore a reduction cannot be applied.

Whilst the Council is seeking a modal shift away from private car use, the Local Cycling and Walking Infrastructure Plan (2019) shows that around 46% of trips are still predominantly undertaken by private car and there has been a greater emphasis on the car over the years as the most popular form of transport. Policy IT5 of the Council's adopted Local Plan (2019) highlights the importance of appropriate levels of car parking being provided.

The Inspector acknowledged the well-established cycle network in the Town and the accessibility of public transport however he accepted he had no details of the extent of these provisions and therefore this carries limited weight in favour of whether the cycle network or public transport would be likely to offer a reliable alternative to the private car in this location.

Paragraph 109 of the NPPF (2019) advises refusals on highway safety grounds should only be issued where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the network would be severe. Photographs were provided by the appellant of the parking provision in Magellan Close which demonstrated some off-street parking with other communal parking bays. The ratio is approximately 2 spaces per dwelling. The Inspector stated that communal parking bays are a common way to alleviate on-street parking issues.

However, he stated that photographs provided by the Council show that despite the off-street car parking and communal parking bays there is still a significant amount of on-street parking on relatively narrow residential roads. He gave this evidence substantial weight and found that the under-provision of off-street parking would, in these circumstances, have an unacceptable impact on the safety and convenience of users of the adjacent highway network.

3.2.3 Conclusion

For the reasons outlined above the Inspector concluded that the proposed development would conflict with Policy IT5 of the adopted Local Plan and paragraph 109 of the NPPF. Accordingly, He dismissed the appeal.