
Appeal Decision

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2020

Appeal Ref: APP/K1935/W/20/3244644

Land adjacent to 8 Magellan Close, Stevenage SG2 0NF¹

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Raymond Brownson (Hamburg Estates Ltd) against the decision of Stevenage Borough Council.
 - The application Ref 19/00620/FP, dated 22 October 2019, was refused by notice dated 17 December 2019.
 - The application sought planning permission for the erection of 2 no. two storey three bedroom dwellings without complying with conditions attached to planning permission Ref 16/00791/FP, dated 10 February 2017.
 - The condition in dispute is No 11 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings associated with the dwellinghouses other than those expressly authorised by this permission shall be constructed.
 - The reason given for the condition is: To satisfactorily protect the residential amenities of nearby occupiers at numbers 8, 9 and 10 Magellan Close and numbers 52 to 58 Ferrier Road.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In light of the Covid-19 coronavirus pandemic, the consequent travel limitations, and following consideration of the grounds of appeal and the submitted evidence, my view is that this appeal could, exceptionally, be determined without the need for a site visit. I sought the views of the main parties and no objections to this approach were received within the specified timescales.

Background and Main Issue

3. The appeal site relates to a pair of semi-detached residential properties within a residential area. In approving the original planning application, the Council imposed a condition restricting the introduction of any new windows, doors or openings. The reason for the condition was to protect the residential amenity of occupiers of neighbouring properties.

¹ I have taken the appeal site address from the planning application form.

4. However, the reason for the refusal of the application for the removal of this condition is that the proposed development could result in the creation of a bedroom in the loft space. This would require the addition of one extra parking space per dwelling, which cannot be adequately provided on-site in accordance with the Council's adopted standards. It is alleged that the proposal would result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic, and is contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019) (the LP), the Council's Parking Provision Supplementary Planning Document (2012) (the PPSPD), the National Planning Policy Framework (2019) (the Framework) and the Planning Practice Guidance (2014) (the PPG).
5. The **main issue** is therefore the effect that removing the condition would have on the safety and convenience of users of the adjacent highway network.

Reasons

6. Each dwelling is originally designed as having 3 bedrooms and, in accordance with the Council's adopted parking standards, there is a requirement to provide 2 off-street parking spaces apiece (rounding-up from 1.5 spaces). The new dwellings, according to the approved plans, would provide car parking spaces to the side in a tandem layout. Accordingly, each house would be served by 2 off-street parking spaces in total. This would be in accordance with the PPSPD.
7. The appellant proposes to utilise the loft space within each property to provide further accessible living accommodation suitable for use as an office, hobby room or storage facility. That may be the intention, however, the room could be used as an additional bedroom by future occupiers. To comply with the Council's adopted parking standards, a four-bedroom property should provide 3 parking spaces within the curtilage of the dwelling. With the restricted curtilage of the new dwellings, as shown on the approved site plan, this would lead to an under provision of off-street parking of one space for each property.
8. The PPSPD allows for reductions below the standards where the location and/or characteristics of the development could reduce car ownership levels. However, the guidance stresses the importance that any existing car parking problems are not exacerbated. Furthermore, the appeal site is not within a location which has been identified as an "accessible Zone" which reflects the sustainability of the location, and therefore where a reduction in the standards might be acceptable.
9. The Council confirms it is actively seeking a modal shift away from the use of the private car. However, it refers to the Local Cycling and Walking Infrastructure Plan (2019) which shows that around 46% of trips are still predominantly undertaken by car and identifies that there has been a greater emphasis on the car over the years as the most popular form of transport. A key objective of the Council's Policy IT5 is to ensure that new developments are easily accessible, especially for walkers, cyclists and passenger transport users. However, it also highlights the importance of appropriate levels of car parking being provided to prevent existing problems being exacerbated.
10. I am referred to the well-established cycle network in the area and the accessibility of public transport in the form of bus services available locally with direct access or connections to both the town centre and the rail station. However, I have no details of the extent of the provision of these facilities and

services, 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.

11. Paragraph 109 of the Framework advises that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
12. The appellant has provided photographs to show the current parking provision for the residents in Magellan Close. This demonstrates that parking is provided within the curtilage of some properties, whilst for others the provision is within communal parking bays. The ratio is roughly 2 spaces per dwelling. The provision of communal parking bays is not an uncommon feature within the surrounding area. The use of which helps to alleviate some of the on-street parking issues as evidenced within the Council's appeal statement.
13. However, on the other hand, the photographs provided by the Council, show that, even though off-street parking is provided within some property curtilages and communal parking bays, there remains a significant element of on-street parking on what are relatively narrow residential roads within the vicinity of the appeal site. I concur with the Council that this further supports its view that there is a heavy reliance on the car within this area. I give this evidence substantial weight and find that an under-provision of on-site spaces is likely to exacerbate on-street parking and, in these circumstances, would have an unacceptable impact on the safety and convenience of users of the adjacent highway network.

Conclusion

14. Therefore, for the above reasons, the proposed development would conflict with Policy IT5 of the LP, which requires proposals to comply with the requirements of the PPSPD, which sets out the current adopted parking standards. It would also conflict with Paragraph 109 of the Framework and there are no other considerations which outweigh this finding.
15. Accordingly, the appeal should be dismissed.

S Hanson

INSPECTOR