



# Appeal Decision

Site visit made on 28 July 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2022**

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## **Appeal Ref: APP/K1935/W/21/3289356**

### **56, Austen Paths, Stevenage SG2 0NR**

- 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 Rob Staegemann on behalf of TIN Properties Ltd against the decision of Stevenage Borough Council.
  - The application Ref 21/01126/FP, dated 18 October 2021, was refused by notice dated 13 December 2021.
  - The development proposed is described as 'change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway.'
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### **Decision**

1. The appeal is dismissed.

### **Applications for costs**

2. An application for costs was made by Mr Rob Staegemann on behalf of TIN Properties Ltd against Stevenage Borough Council. This is the subject of a separate decision.

### **Main Issue**

3. The main issue is the effect of the proposal on highway safety.

### **Reasons**

4. The appeal relates to a mid-terrace property located at the end of a residential cul-de-sac. The road is flanked by garages for much of its length, however towards the end it opens into a square providing formal parking bays surrounding the turning head. The appeal site features off-street parking for three vehicles to the rear, accessed via a gap in the bays.
5. The number of parking bays at this end of the street is limited. Whilst I did observe a single free space at the time of my visit, there were also cars parked informally outside of bays or on the footpath, in some cases blocking other vehicles and reducing the space for manoeuvring. The rest of the cul-de-sac appeared less congested, albeit primarily due to the garages and other accesses that front on to it, which limit on-street parking. 'No parking' signs affixed to garage doors and garden gates are common both in this and neighbouring streets. I did not observe significant spare capacity in the surrounding area at the time of my visit. Comments on this appeal from third parties also refer to existing parking issues in this area. This would indicate there are capacity issues and conflict between vehicle users at times.

6. Within the wider area, I saw that Siddons Road and Ferrier Road were dominated by parked cars both on and off street. The streets feel narrow, with space for only 1 vehicle to pass where cars are parked along the kerb, and vehicles can be found parked at junctions in places. Communal parking areas are provided, however these appeared to be generally at or close to capacity. Driveway crossings, particularly on Ferrier Road close to the appeal site, have further reduced opportunities for on-street parking.
7. The supporting text to Policy IT5 of the Stevenage Borough Local Plan 2011-2031 Adopted 22 May 2019 (Local Plan) notes that the original masterplans for the New Town failed to anticipate the rise of the private car. Consequently, the layout of some areas does not reflect present-day car ownership, perceptions of safety or parking preferences. This is evident in this part of the town, as described above, and thus it is important new development does not exacerbate the existing problems.
8. The Council sets required parking standards in the Parking Provision and Sustainable Transport Supplementary Planning Document Adopted 2020 (SPD). The SPD requires 3.5 spaces, rounded up to 4, for a 7-bed HMO. The SPD recognises that sustainable transport methods should be encouraged, as advocated in local and national policy. It accounts for this with a built-in mechanism for reducing parking requirements in areas with greater access to services, employment and public transport. Furthermore, the SPD is a recently adopted document, underpinned by Policy IT5 of the Local Plan, and I therefore apportion substantial weight to it.
9. The site is close to a neighbourhood centre, which features a small shopping precinct with various local services. There is a bus stop in walking distance, and a network of footpaths linking to the wider area, with the town generally having good pedestrian and cycle links. The site is therefore reasonably well served by non-car modes of transport. However, it is some distance from the town centre and outside of the residential accessibility zones, in which the SPD recommends lower parking provision. Furthermore, this does not guarantee that future occupiers would not own a car. I saw on site that all three of the existing spaces were occupied, which would suggest at least half of the existing occupiers do own or have use of a vehicle, irrespective of the accessibility of the site. It is therefore reasonably likely future occupiers would too.
10. The appellant has provided a parking beat survey, to demonstrate that the area would have capacity to accommodate any additional parking pressure that may arise. The survey provides only a snapshot of the parking situation, being carried out on two consecutive days mid-week at the same time. Nevertheless, it is noted that the survey shows some capacity in neighbouring streets on the days it was carried out. It also shows however that the cul-de-sac via which the site is accessed was significantly overcapacity on both occasions, as were others nearby. Based on this, future occupiers would have to park away from the site, or else add to the overcapacity issues of the street. In either case, this would further erode the already limited parking capacity in the area and increase the risk of conflict between vehicles and pedestrians.
11. It is noted that the proposal provides 8 cycle parking spaces. The SPD requires one space per bedroom for this type of development, as well as short stay cycle parking for visitors. The proposal therefore meets the minimum requirements of the SPD in this respect. As the spaces are required in any

event, and the proposal does not go beyond the minimum requirement, this is not a significant benefit of the scheme and does not weigh heavily in its favour.

12. Ultimately, the proposal does not comply with the car parking standards in the SPD and does not benefit from the exceptions applied to development in more accessible locations. It is therefore in conflict with policy IT5, which is clear that planning permission will be granted where proposals comply with the SPD. To justify such a departure from the development plan, there must be material considerations that outweigh this conflict. It is evident from my own observations, the Council's reasoning, local policy and guidance and, to some extent, the appellant's own parking survey, that there are acute parking problems in this area. There is no compelling evidence before me to demonstrate that the proposal would not worsen these problems and, as a result, have a harmful effect on highway safety. There are therefore no material considerations that outweigh the policy conflict.
13. In respect of the main issue, I therefore find the proposal would fail to make adequate provision within the site for car parking to the detriment of highway safety. The proposal is therefore contrary to policy IT5 of the Local Plan, which amongst other things seeks to ensure adequate parking and access is provided in new development by virtue of compliance with the requirements of the SPD.

### **Other Matters**

14. The Council indicate that the borough's housing delivery is below its housing requirement and accordingly paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. There is no compelling evidence before me to demonstrate otherwise. The provision of a single additional HMO bedroom would contribute modestly to local housing delivery. However, given the small scale of the development, any associated social and economic benefits would be negligible and are significantly and demonstrably outweighed by the identified adverse impacts, when assessed against the policies in the Framework taken as a whole.
15. The appellant has referred to another application at 14 Brick Kiln Road, Stevenage, which they consider is similar and demonstrates inconsistency in the Council's decision making. The details of that case are not before me. However, it is noted that the address is considerably closer to the town centre with associated access to more services and transport options. It also appears to be within one of the residential accessibility zones, in which the SPD recommends lower car parking provision. This example therefore appears to be materially different to the appeal proposal. Each application must be considered on its own merits and so this does not weigh in favour of the appeal case.

### **Conclusion**

16. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR