
Appeal Decision

Site visit made on 31 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th November 2016

Appeal Ref: APP/P1940/D/16/3157316

39 Summerhouse Way, Abbots Langley, Hertfordshire WD5 0DY

- 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 Watford Property Company against the decision of Three Rivers District Council.
 - The application Ref 16/0882/FUL, dated 15 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on highway safety, with particular regard to the adequacy of parking provision.

Reasons

3. The proposal is to extend a semi-detached house; one of four similar dwellings facing onto a turning circle at the end of a short cul-de-sac. This road is part of an estate of post-war housing, comprising a mixture of detached, semi-detached, terraced and flatted accommodation. The turning circle contains a lozenge-shaped area of communal parking, faced on either side by blocks of flats.
4. No 39 has no road frontage or on-site parking and is served by a footpath from the street. It has a very large garden to its south and to the east is open countryside, forming part of the Metropolitan Green Belt. The extension would be onto the southern gable of the existing house and be set back slightly. The additions would almost double the size of the existing three bedroom house, and provide what would effectively be three further bedrooms, although one upstairs room is labelled a study.
5. The extension could be conveniently converted into a separate dwelling. However, the application was not made for this and so the appeal should be considered on the basis of the description of the proposed works, which is for a double storey side extension.
6. The Council's development plan comprises the 2011 Core Strategy¹ (CS) and the 2013 Development Management Policies² (DMP). CS Policy CP10 requires

¹ Three Rivers District Council Local Development Framework Core Strategy - adopted 17 October 2011.

that all developments make adequate provision for car parking and DMP Policy DM13 applies the standards set out in Appendix 5. These require 2.25 spaces per 3 bedroom dwelling (two assigned) and 3 spaces per 4+ bedroom dwelling (three assigned).

7. The appellant refers to the Council officer's report to Committee that, on the basis that the existing three bedroom dwelling at No 39 generates a parking requirement of 2.25 spaces, this proposal to create a 5/6 bedroom house would generate a need for an additional 0.75 spaces. The officer's report had considered that an uplift of 0.75 spaces would not lead to such an increase in parking pressure in this part of Summerhouse Way as to have a material effect on highway safety.
8. This housing estate was designed to reflect car ownership and usage at that time. Car ownership and usage is now much higher. I observed from my visit to this estate that, whilst some properties with a road frontage have on-site parking, there is much reliance on on-street parking which, due to the narrow road widths, was obstructing the footways.
9. The parking within the turning area adjacent to the appeal property was mainly occupied at my mid-morning visit. The Council's report advises that the 15 or so parking spaces this area provides are fewer than the 24 units in the blocks of flats on either side. It is reasonable to conclude that pressure on these parking spaces would increase in the evening when more people are back from work. From the evidence, and from my site inspection, I consider off-street parking provision in the vicinity of the appeal proposal to be at or below the capacity necessary to meet demand.
10. The appeal property is within walking distance of the bus route in Tibbs Hill Road and quite close to the shops and services in Abbots Langley High Street. However, I share the view of the previous Inspector, who dismissed the recent appeal³ over the Council's refusal of a proposed new detached house at No 39, that these shops and services are not sufficiently close as to discourage car ownership.
11. The existing three bedroom dwelling does not have the benefit of on-site parking. To substantially enlarge this property to create a 5 bedroom, or potentially 6 bedroom, dwelling would materially increase the demand for car parking in the vicinity. I have taken account of the Inspector's view in the previous appeal that any additional vehicles in this area would exacerbate existing parking pressures, materially impacting on pedestrian and vehicle safety.
12. This proposal would be likely to generate additional vehicles leading to further pressure on available parking in Summerhouse Way. This would give rise to additional on-street parking, further restricting footway and road space and impacting harmfully on the safety of all users of the highway in this part of the estate. The proposal would therefore conflict with the aims of CS Policy CP10 and DMP Policy DM13 and Appendix 5 which seek that development demonstrates a safe and adequate means of access through the provision of sufficient parking.

² Three Rivers District Council Development Management Policies Local Development Document – adopted July 2013.

³ APP/P1940/W/15/3132135

13. Weight has been given to the lack of representations from neighbouring occupiers which might have otherwise supported the part of the Council's decision that refers to this proposal having a negative impact on existing residents' amenity. However, this would not outweigh the concerns found in respect of inadequate parking provision.
14. Consideration has also been given to the officer's report whereby it was recommended this proposal might be made acceptable through a condition which withdrew permitted development rights allowing the extended dwelling to become a small House in Multiple Occupation (HMO). However, the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Furthermore, the appellant has expressed no intention for this proposal to become a small HMO and, in any event, such a condition would not overcome my concerns in regard to the inadequate provision for car parking.
15. The Council's decision notice also refers to other development plan policies. CS Policy CP1 is an overarching policy on sustainable development and CS Policy CP12, DMP Policy DM1 and DMP Annex 2 deal with design. However, these policies do not deal directly with the issue of highway safety and add little to my considerations in this matter.

Conclusion

16. The proposal would significantly increase the bedroom accommodation in a dwelling lacking off-street parking. This would be likely to generate further vehicular use and exacerbate the demand for on-street parking where the highway dimensions result in this already obstructing the roads and footpaths. For the reasons set out above, this proposal would be contrary to the interests of highway safety. Therefore, having taken into account all matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR