
Appeal Decision

Site visit made on 1 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 17th November 2016.

Appeal Ref: APP/C1760/W/16/3153659

7 Fielden Close, North Baddesley, Hampshire SO52 9ND

- 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 Andrew Karoly against the decision of Test Valley Borough Council.
 - The application Ref 15/00884/FULLS, dated 3 April 2015, was refused by notice dated 28 April 2016.
 - The development proposed is described as "creation of 2 x studio flats with integrated work units".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that it does not wish to pursue the third reason for refusal which relates to the requirement for a financial contribution towards the provision of affordable housing in the Borough. I have determined the appeal on this basis and considered the two other reasons for refusal as set out in the main issues, below.
3. The site has a planning history that is relevant to this appeal. An outline planning application¹ was refused in March 2004 and a subsequent appeal² was dismissed. The Inspector concluded that the proposal would be harmful by reason of its effect on the privacy of occupiers of the adjoining property and its impact on highway safety. I have taken this decision into account in my consideration of the current appeal.

Main Issues

4. The main issues are:

- (i) Whether the proposal would lead to an increase in on-street parking and, if so, whether this would adversely affect the safety of highway users, drivers and pedestrians, and;
- (ii) The effect of the development on the character and appearance of the host dwelling and the surrounding area.

¹ Ref TVS.10065/1 dated 31 January 2004

² Ref APP/C1760/A/04/1147042 dated 7 December 2004

Reasons

Highway Safety

5. The appeal site comprises the side and rear garden of a semi-detached house, which is located at the head of a cul-de-sac. The proposed development would create two self-contained studio flats, attached to No 7 Fielden Close, and two single storey work units in the rear garden. The site does not have a highway frontage and is accessed via a footpath which links Fielden Close to Queens Ride. There would be no off-street parking provided within the site.
6. The car parking standard for residential development, as set out in Policy T2 of the Local Plan³, Annex G, requires a minimum of one car parking space for each of the proposed one bedroom units. In addition, the Council advises that the employment space would require a further parking space. The policy allows for the residential parking provision to be reduced in certain circumstances, including where there is likely to be low demand for parking.
7. The proposed scheme has been designed in an attempt to eliminate the need for car ownership thereby reducing the demand for on-street parking. North Baddesley has limited facilities including shops, local pubs, schools, a doctor's surgery and a post office. However, in contrast to occupiers of studio flats in large towns or city centres, future occupants would still need to travel to access goods and services, in particular, a wider range of shops and leisure facilities.
8. I appreciate that the 'live/work' units would be attractive to individual occupiers who may work from home, which would remove the need to commute regularly. However, there is no guarantee that future occupiers would use the units for work purposes as they may use them for storage, given the space limitations of the flats. Also, depending on the nature of the business, future occupants may still need to travel for work purposes. Whilst there is a public transport service, I have no details of this in terms of frequency or destinations. The appellant states that the work units would provide a secure store for bicycles but this would limit the useable workspace.
9. I agree that the proposal is substantially different from the previous scheme, which was dismissed by the Inspector. However, the car parking demand generated from two studio flats is likely to be comparable to that of a modest sized family home, irrespective of journeys to work. This is because the occupiers of the flats would be independent of each other and less able to share the use of a car or combine journeys. Also, the two separate flats would be likely to generate an equal demand for visitor parking as a single family home.
10. Therefore, I am not persuaded that the proposed design is significantly less likely to involve car ownership than the previously refused scheme. I find that the Council's assessment of the car parking requirement is fair and reasonable, taking account of the proposal and the site circumstances. Consequently, it is probable that the development would lead to additional demand for on-street car parking in the vicinity of the site.
11. Paragraph 32 of the National Planning Policy Framework (the Framework) states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. It also states that

³ Test Valley Borough Revised Local Plan Development Plan Document 2011-2029 (adopted 2016)

development should only be prevented or refused on transport grounds where the residual impacts of development are severe.

12. Traffic surveys have been carried out by both parties which provide a recent analysis of daytime and evening parking on weekdays and at the weekend. The car parking surveys show that on-street parking takes place on Fielden Close with five or six vehicles parking there on a regular basis. It appears that there is less parking on Queens Ride as fewer vehicles were observed. This is consistent with what I saw during my site visit, although I note the comments from neighbours about on-street parking on Queens Ride in association with the Scout Hut.
13. I have considered the three 'swept path analysis' diagrams provided by the appellant for Fielden Close and Queens Ride. The diagrams for Fielden Close show, in certain circumstances, that it would be possible for vehicles to manoeuvre around parked cars and avoid reversing along the Close. However, this would depend on where and how the cars were parked and the size of the vehicles. Moreover, the Drawing No 001-1001-A does not take account of access for neighbours' driveways, which limits the available space for parking.
14. I saw from my site visit that the houses with no driveways are located at the end of the Close, adjacent to the turning head, which is also where the appeal site is located. The existing on-street parking is likely to be concentrated towards this area, which corresponds with the Council's parking survey. Future occupants will seek to park near to their home which will add to the pressure to park in, or close to, the turning head. Also, the need to allow access to the garage block, at the end of Fielden Close, restricts space for parking and during my site visit I saw a medium sized van parked partially on the pavement. I appreciate that this is only a snapshot in time. Nevertheless, it is evident from the submissions of both parties, and neighbours, that on-street parking is a regular occurrence and this tends to be concentrated on the part of the road closest to the appeal site.
15. Fielden Close is a standard width residential road with pavements either side. However, it is a cul-de-sac which means that cars would be turning or reversing along the Close, if turning was not possible. An increase in on-street parking, particularly in or close to the turning head, would restrict turning and increase the likelihood of vehicles reversing out of the Close. Such manoeuvres are more dangerous and especially hazardous to pedestrians and cyclists, in addition to cars entering the Close or reversing from driveways.
16. I agree that future occupants or their visitors may park on Queens Ride, which appears to have less regular demand for on-street parking. However, I consider it more likely that people would seek to park as close as possible to their destination which would direct them towards Fielden Close in the first instance. Also, Queens Ride is poorly lit and there is less surveillance from nearby houses, which would make it less attractive as a place for residents to leave their vehicles overnight.
17. I conclude on this issue, that it has not been demonstrated that the proposal would lead to a low demand for on-street parking. No dedicated parking would be provided, consequently it would not meet the requirements of Policy T2 of the Local Plan, which seeks to secure appropriate car parking provision. The residual impact of the development would be severe due to the existing demand for on-street parking, and the restricted nature of the cul-de-sac.

Additional on-street parking would lead to an increase in hazardous manoeuvres such as reversing and turning which would be a risk to the safety of highway users, drivers and pedestrians. The proposal would not, therefore, meet the aims of the Framework insofar as it seeks to ensure safe and suitable access to the site can be achieved for all people.

Character and Appearance

18. The appeal site is located within a predominantly residential area, characterised by semi-detached and detached houses. The front elevation of the proposed development would include high level windows at first floor level which are intended to avoid overlooking into the rear garden of No 6 Fielden Close.
19. I saw from my site visit that the front elevation of the pair of semi-detached house is not symmetrical at present. Further I saw that high level windows are a common feature on the front elevations of other houses along the Close. The site is not prominent in the wider area and the development would only be visible to users of the footpath and immediate neighbours. I have taken account of the neighbours' comments in respect of the impact of the development on the character and appearance of the Close but this does not affect my assessment of the proposal.
20. Consequently, I conclude on this issue that the proposal would not have a detrimental effect on the character and appearance of the host dwelling or the surrounding area. The proposal would meet the aims of Policy E1 of the Local Plan which seeks to ensure development integrates, respects and complements the character of the area. The development would meet the aims of the Framework insofar as it seeks to secure high quality design.

Other Matters

21. A Unilateral Undertaking⁴ has been submitted to secure a financial contribution towards the provision of open space in the locality. The Council has confirmed that it has reviewed its position in respect of infrastructure financial contributions for small schemes and is no longer seeking a contribution in respect of this proposal. Therefore, it is not necessary for me to consider whether the Unilateral Undertaking would meet the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.

Conclusion

22. I have taken into account the benefits of the development, in particular the contribution to the Borough's housing supply and the local economy, and the proposed energy saving measures. However, the benefits do not outweigh the harm in respect of highway safety.
23. For the reasons given above, the appeal should be dismissed.

Debbie Moore

Inspector

⁴ Section 106 of the Town and Country Planning Act 1990