

Appeal Decision

Site visit made on 29 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 09 December 2016

Appeal Ref: APP/K0235/W/16/3157914

21A South Drive, Shortstown, Bedford MK42 0UD

- 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 Mrs Indira Panchal against the decision of Bedford Borough Council.
 - The application Ref 16/00235/FUL, dated 29 January 2016, was refused by notice dated 22 June 2016.
 - The development proposed is conversion of existing pharmacy site to a self-contained single bedroom studio flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing pharmacy site to a self-contained single bedroom studio flat at 21A South Drive, Shortstown, Bedford MK42 0UD in accordance with the terms of the application, Ref 16/00235/FUL, dated 29 January 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number 16/031.1 Existing and Proposed Elevations, Floor Plans, Site Location and Block Plan.

Procedural Matter

2. Amended plans were submitted with the appeal. Even though, these are referenced in the Council's statement, third parties may not be aware of the plans therefore may not have had the opportunity to comment on them as part of this appeal. Thus, in the interests of natural justice I must determine the appeal on the basis of the original plans formally assessed by the Council.

Issues

3. The main issues are the effects of the proposed development on:
 - highway safety;
 - the living conditions of the occupants of the proposed dwelling with particular regard to access to private outdoor space.

Reasons

Highway safety

4. The appeal proposal would involve the conversion of part of the ground floor of No 21 South Drive to a self-contained studio flat, with the remainder of the appeal property remaining in use as a four bedroom dwelling. It is located within a residential area close to a local shop/post office, hairdressers and doctors surgery.
5. I note that the Bedford Borough Council's guidance 'Parking Standards for Sustainable Communities: Design and Good Practice 2014 requires a one bedroom dwelling to have one off-street car parking space. Furthermore, a four bedroom dwelling is required to have three off-street car parking spaces.
6. The hardstanding to the front of the appeal dwelling is relatively wide and its width exceeds the minimum requirement for three spaces. Therefore, even with the section of fencing to the road frontage, I am satisfied that the existing access is wide enough for at least three vehicles to be easily parked off-street.
7. One off-street space would be allocated to the proposed studio flat and two off-street car parking spaces would be retained for the four bedroom dwelling. Even though there would be a shortfall of one off-street parking space when considered against the Council's guidance, the majority of the dwellings and other uses nearby benefit from off-street parking and on street parking nearby is unrestricted. The appeal site is also within a location that is relatively well served by public transport and within walking distance of local services, such that it may not directly follow that the occupants would need to own a car.
8. I acknowledge that South Drive is relatively narrow, restricted to one way traffic and has traffic calming measures which limit on-street parking. However, whilst I acknowledge the photographic evidence shows a number of cars parked on-street, it also shows on-street parking spaces to be available. Furthermore, I observed at mid-day on a weekday, on-street parking to be readily available. Even though some cars park on grass verges, there is no evidence before me to indicate that this poses any risk to highway safety in the area.
9. Overall, I find that any parking demand generated by the proposed development not met off-street would be readily accommodated on-street without any risk of cars parking inappropriately or prejudicing the free flow of traffic in the area.
10. For these reasons, I find that the proposed development would not harm highway safety in the area and would comply with saved Policies BE30 and H24 of the Bedford Borough Local Plan (2002) (LP) which aim to ensure highway safety by requiring new development to make appropriate provision for parking.

Living conditions

11. The proposed dwelling would have a small area of private outdoor space. Whilst this space would not be suitable for use as a garden, the appeal site is within walking distance to public open space and the proposed dwelling would be unlikely to be occupied by a family with children.
12. I have considered appeal decision ref: APP/K2035/W/15/3137097. However, this relates to a development some distance from the appeal site. Furthermore, the full details of that case are not before me and each application should be considered on its merits.

13. I have also considered the guidance on outside space set out in the Design Guidance Residential Extensions, New Dwellings and Small Infill Developments (2000). However, the outside space would be enclosed by 1.8 metre high fencing, such that it would be relatively private and secure. I acknowledge that the width of the space would be such that it would be difficult for a cyclist to push a cycle alongside three bins. However, the width of the space is such that a cycle could be positioned in front of the bins and it would not be overly inconvenient, to remove the cycle from the space when the bins need to be wheeled in and out.
14. I therefore find that the proposed private outdoor space would be sufficient for the type of accommodation proposed and would be capable of accommodating three wheelie bins and a cycle. Thus, it would not harm the living conditions of the occupants of the proposed dwelling with particular regard to access to private outdoor space and would comply with saved Policies BE37, H24 and H38 of the LP which taken together seek to ensure good design.

Other Matters

15. The Council's reasons for refusal refer to the effect of the proposed private outdoor space on the character and appearance of the area. However, the proposed outdoor space would not be noticeable from anywhere other than within the appeal site, such that there would no harm to the character and appearance of the area.

Conditions

16. I have considered the conditions suggested by the Council having regard to the advice on imposing conditions in the Planning Practice Guidance (PPG).
17. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
18. However, I have not felt it necessary to impose a condition which requires details of the outside space as this is shown on the appeal drawings. Furthermore, given that the majority of the building is already in residential use and the only opportunity for the proposed dwelling to store a cycle outside would be in the private outdoor space, in my view a condition seeking a scheme for cycle storage is not necessary.
19. Furthermore, there is no substantive evidence before me which demonstrates exceptional circumstances exist to justify the removal of permitted development rights. I have not therefore imposed a condition to this effect.

Conclusion

20. For the reasons given above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

L Fleming

INSPECTOR