

Appeal Decision

Site visit made on 4 January 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 26 January 2017

Appeal Ref: APP/Z3635/W/16/3158310

132 Viola Avenue, Stanwell, Surrey TW19 7SE

- 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 Devan Sharma against the decision of Spelthorne Borough Council.
 - The application Ref 16/00444/FUL, dated 18 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is part single storey/part two storey rear extension to facilitate the change of use of existing dwelling house to two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupiers, with particular regard to noise and disturbance, privacy and outlook.

Reasons

3. The appeal property (No 132) is a modest end terrace located in a line of semi-detached and link dwellings. Many dwellings have hardstanding on their frontages to facilitate off-street parking and I noted on my visit that on-street parking was difficult to find.
 4. The development comprises the conversion of the dwelling to two flats, with the provision of three parking bays on the frontage. The ground floor flat would have a double bedroom and shower room situated on the front elevation, which would be next to the parking bays.
 5. The Council has raised a concern that the proximity of the parking bays to the ground floor would be detrimental to the living conditions of the future occupiers. The evidence before me indicates that the bedroom window would be directly adjacent to two adjoining parking bays and the limited depth of the frontage is such that the parking bays would need to extend to No 132's front elevation without a buffer.
 6. The appellant argues that the number of bays could be reduced in order to mitigate their effect on the amenity of future occupiers of the ground floor flat.
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The Council's parking guidelines¹ indicate that two flats would require three bays, as the site does not lie within a town centre location. I appreciate that the Council's evidence cites Policy CC3 of the Local Plan² (LP) which states that in areas well-served by public transport, there may be scope for reducing on-site parking and in this regard the appellant argues that the site lies within an area with a high PTAL³ which could reduce car dependency. However, there is no evidence to support this claim and as such I give it little weight.

7. Whilst I acknowledge that my observations at the site visit in respect of parking were a snapshot in time, they are reinforced by comments from an interested party. I also appreciate the future occupiers may not own a car but this cannot be presumed. Furthermore, a recent government statement⁴ has highlighted the government's concern to ensure new development has adequate parking.
8. It is also argued that one space could be dedicated as a guest space and shared between the two flats. However, it would be difficult for occupiers of one flat to limit its use by the other, so I give this argument little weight. In any case, it is unlikely that the guest bay would remain vacant if on-street parking were difficult to find. Consequently, I do not consider that restricting the use of one bay would be a satisfactory option, even if it was enforceable.
9. The appellant has drawn my attention to another appeal⁵. Notwithstanding that this appeal was for a development within a different council area and therefore subject to different planning policies, there is nothing in the Inspector's decision to indicate that the Council's reasons for refusal included the effect of nearby parking bays on the living conditions of occupiers. As such this appeal is not comparable, and I give it no weight.
10. Consequently, whilst I appreciate that the development would provide two small units of accommodation, this would not outweigh the harm from noise and disturbance generated by two parking bays directly outside the front bedroom window. The appellant suggests that the bedroom and the parking bay would not be in use at the same time. However, the ground floor flat would have two bedrooms, one which is a double, so it cannot be presumed that the bays outside the bedroom window would not be in use when someone was sleeping in the front bedroom.
11. The Council has also raised a concern in relation to overlooking of the ground floor flat's amenity area by the occupiers of the first floor flat. On balance I consider this is not an unusual situation in converted dwellings and although there would be some loss of privacy, were it the sole reason for refusal I would not consider it sufficient to warrant dismissal of the appeal.
12. With regard to the effect of parked vehicles on outlook from the ground floor flat, many dwellings in the area have hardstanding on frontages of limited length, which are directly overlooked by living rooms. As bedrooms are generally occupied for a lesser time than living rooms, and off-street parking is commonplace in the area, I am not satisfied that the bedroom's outlook would be detrimental to the living conditions of future occupiers.

¹ Spelthorne Borough Council, Supplementary Planning Document – Parking Standards, update September 2011

² Spelthorne Borough Council, Core Strategy and Development Plan Document, adopted February 2009

³ A measure used by Transport for London to measure distance from public transport

⁴ Written Ministerial Statement 25 March 2015

⁵ APP/L5240/12/2174412

13. In the light of the above, I conclude that the development's parking bays would cause noise and disturbance which would have a detrimental effect on the living conditions of occupiers of the ground floor flat. This would be contrary to Paragraph 17 of the National Planning Policy Framework which requires development to secure a good standard of amenity for all existing and future occupiers of land and buildings. LP Policy EN1 states that development should achieve a satisfactory relationship with adjoining properties but does not mention noise and disturbance. Consequently I do not consider this policy of particular relevance in this regard.
14. The development would also have a lesser harmful effect on the living conditions of future occupiers in respect of loss of privacy. This would be contrary to LP Policy EN1 which requires development to avoid significant harmful effects in terms of loss of privacy, in its relationship with adjoining properties.

Conclusion

15. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR