
Appeal Decision

Site visit made on 16 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 1 February 2017

Appeal Ref: APP/V2004/D/16/3163389

63 Bowmont Way, Kingswood, Hull, East Yorkshire HU7 3HL

- 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 & Mrs L Hammond against the decision of Kingston-upon-Hull City Council.
 - The application Ref: 16/01307/FULL, dated 12 August 2016, was refused by notice dated 7 November 2016.
 - The development proposed is the construction of a two storey side extension with a pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey side extension with a pitched roof at 63 Bowmont Way, Kingswood, Hull HU7 3HL in accordance with the terms of the application, Ref: 16/01307/FULL, dated 12 August 2016, 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: site location plan and drawing no H1496-16-01 Rev A.
 - 3) The extension shall not be occupied until the area to the front of the house and proposed extension shown on drawing no. H1496-16-01 Rev A (and illustrated as being used for parking in the submitted photographs), has been surfaced in accordance with details, which shall include details of drainage, that shall first have been submitted to and approved in writing by the local planning authority. That area shall thereafter be kept available at all times for the parking of vehicles.
 - 4) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing dwelling.

Preliminary Matters

2. During the course of the application a revised plan providing a garage at ground floor level was submitted. However, this was considered to be unacceptable to the Council, based on a Highway Authority objection, because the garage space provided would be inadequate for a car (according to the
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Officer Report it would measure some 2.2 metres by 5.0 metres internally). Despite this the Council seeks a condition that the development accord with the revised plan but gives no reason for requesting this condition. The appellants explain that such an arrangement, referring to a carport approach, would be unsatisfactory to them and have based their appeal on a scheme with parking provision at the front of the property. The appeal form also records that they have not agreed to a change of description from the original scheme. In these circumstances, I have considered the appeal on the basis of the original plans.

Main Issue

3. The main issue in this case is the effect of the proposed development on highway safety having particular regard to the provision of on-site parking and implications for highway safety.

Reasons

4. The appeal property is a semi-detached house. The proposed two-storey side extension would prevent parking at the side of the property. The Officer Report sets out that this would be in breach of a condition imposed on the original planning permission which required parking provision to be provided and maintained, in this case in the form of parking to the side of the house. However, currently the area to the side of the dwelling is fenced off part way along the side and rubble is tipped to the front of this so that the area is unavailable for parking.
5. Currently parking is provided at the front of the property for two cars, one is parked on the drive and the other on the front garden area. The Highways Officer does not object to the drive parking but considers the former grassed area too small to accommodate a car. However, the appellants provide photographs of cars parked in this way and it is apparent on the ground that this approach to parking has been taken. This ad hoc arrangement results in the whole of the area forward of the house being given over to parking but this is not uncharacteristic in this locality.
6. In addition, whilst it is suggested that there is pressure upon on-street parking no substantiated evidence of this has been produced and I am satisfied that there is some available on-street parking in the immediate area.
7. Policy M30 of the Hull CityPlan adopted in 2000 seeks off-street parking spaces in accordance with an accompanying table. That table seeks two off-street spaces for a property of this type. However, the table notes it is for general guidance only and that other factors will be taken into account including other road capacity for parked vehicles, and the availability of public transport. Similar advice is also set out in the Council's Supplementary Planning Guidance Note 5: Designing a house extension (SPG). The parking requirements in both the policy and SPG are to ensure adequate parking provision.
8. The appellant currently parks two cars off-street at the appeal site, albeit the space available is less than that required in the SPG. In addition, on-street parking is likely to be available for a car in close proximity to the appeal site. Further, whilst no evidence is provided of bus services which have been referred to by the appellant, the Highway Officer's report acknowledges such a service. The site is also in a built-up location reasonably close to services and facilities, so reducing the need for private transport.

9. On the evidence before me, I conclude that the proposed development would not result in harm to highway safety by virtue of inadequate parking provision.
10. I therefore do not find conflict with Policy BE1 of the Hull CityPlan which requires that an acceptable level of parking is provided. Nor do I find conflict with Policies M29 and M30 of that document which, amongst other things, seek adequate parking.
11. I also note that the Officer Report explains that the recently adopted Kingswood Area Action Plan at paragraph 11.11 seeks closer consideration of a suitable mix of off and on-street parking, ensuring there is sufficient to meet the needs of two or three household cars and that this can be achieved through appropriate off-street parking space, including well-designed garage spaces. However, this seems a broad policy objective relating to the further expansion of the Kingswood area. The emerging Hull Local Plan is in its early stages, so of limited weight, nonetheless Policy 32 acknowledges that parking standards need to be applied flexibly.

Other Matters

12. Concern is raised by the occupier of the adjacent property that the appeal proposal might preclude development on their site at some point in the future. However, I must judge the appeal proposal on its own merits.
13. The appeal property and adjacent property are staggered slightly and the orientation and massing are such that there would be a modest overshadowing of the rear garden of the neighbouring property at certain times with a negligible impact on daylight within that dwelling. Whilst windows in the proposed extension would be a little nearer to the boundary with no. 62, views out would be rearward and the resultant oblique overlooking of the neighbours garden would be similar to over-looking from other existing domestic windows. Thus, these matters do not justify withholding planning permission.
14. Concerns regarding access and building right up to the boundary can be overcome by the building method and/or agreement between neighbours and is not a reason to refuse planning permission.

Conditions

15. In addition to the time condition, I shall require details of the surfacing and draining of the area to be used for parking along with its retention for such use in the interests of highway safety and visual amenity and to accord with policies of the CityPlan. I shall not impose a condition regarding windows in the side elevation given that the development should be completed in accordance with the approved plans and, in terms of subsequent improvements or alterations that might include side windows, there are already significant controls by virtue of Schedule 2 Part 1 Class A, A.3 (b), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

16. For the reasons set out above I concur with the Council that there would be no harm to the neighbours' residential amenity. Moreover, I find that adequate parking would be provided and that there would be no adverse impact upon

highway safety as a consequence of this proposal. Thus, I conclude that the appeal should be allowed.

Zoë H R Hill

Inspector