

Appeal Decision

Site visit made on 24 January 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 8th February 2017

Appeal Ref: APP/D0515/W/16/3160566

43 West End, March, Cambridgeshire PE15 8DL

- 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 Michael Anthony against the decision of Fenland District Council.
 - The application Ref F/YR15/1112/F, dated 30 November 2015, was refused by notice dated 13 April 2016.
 - The development proposed is subdivision of existing 5/7 bedroom house to form 1-3 bed cottage and 1-2 bed maisonette. Alter the layout of the adjacent 1 bed annex cottage to include an internal garage and mezzanine bedroom. To improve car parking from 3 places to 5 including the garage. To provide amenity areas for all dwellings it is proposed to subdivide the mooring from the existing upper front garden and construct a summer house and covered area with upper deck area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans, ref SD.01 C, SD.09 C and SD.10 D were submitted with the appeal. The amended plans relate to the subdivision of the external space and the removal of the garage door on the former bottle store. Whilst the plans have not altered the Councils position, given that the plans relate to the above changes only I do not believe that any party would be unfairly prejudiced by my determining the appeal with regard to the amended plans and I have done so on this basis.

Main Issue

3. The main issues are:
 - Whether the proposal provides adequate living conditions for future occupiers with particular regard to external space
 - Whether the proposal provides adequate car parking provision
 - The effect of the proposal on the living conditions of the occupiers of adjacent properties with particular regard to disturbance
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Reasons

4. The site comprises a thatched 7 bedroom dwelling which fronts onto West End, a quiet, single track road. Vehicular access is gained via the rear of the property through White Horse Gardens, a private road comprising of mainly single storey dwellings. A detached outbuilding, known as the former bottle store lies in the North West corner of the site and benefits from permission for the conversion to a 1-bed dwelling with extensions¹. The private garden area belonging to the property is detached from the property and lies between West End and the Rive Nene. The site is located within the March Conservation Area (MCA).
5. The proposal includes the conversion of the main property into one three bedroom dwelling and one two bedroom dwelling and the conversion of the bottle store into a one bed dwelling with external alterations and an internal garage. The erection of a summer house, store and alterations to the shed on the mooring is also proposed.

Living conditions – future occupiers

6. Having regard to the amended plan Ref SD.01 C, the two bedroom unit would not have any garden space allocated. A dwelling of this type and size would require some provision of private amenity space. As the unit would also be capable of being occupied by a family, to my mind the amenity space would need to adequately cater for children. This unit would have access to two small patio areas, one adjacent to the car parking area and another adjacent to the side alleyway.
7. Notwithstanding the percentages shown on the plan, the proposed external amenity areas would be very small spaces. The larger of the two spaces would be located adjacent to two car parking spaces. Residents of the proposed dwelling are very unlikely to use this as an area in which to relax and its limited size and location would render it an unsuitable area of private amenity space. The second patio area would be smaller again. To my mind, neither area provides adequate space for sitting out or the drying of washing and it is difficult to envisage how, if at all, they would be suitable for a child.
8. The main private amenity space for the one bedroom dwelling and the three bedroom dwelling would be the existing garden area to the front of the property adjacent to the river. I am satisfied that this area is of sufficient size to provide adequate amenity space for both dwellings. I acknowledge that the garden is detached and separated from the site by West End but I noted at my site visit that this is not an uncommon arrangement for properties in the locality. Moreover, this is an existing arrangement for the 7 bedroom dwelling and given the quiet nature of West End, I do not consider that this garden area would be unusable or impractical by virtue of its separation.
9. Nonetheless, for the above reasons, I conclude that the proposal fails to provide adequate living conditions for future occupiers and find conflict with Policy LP16 of the Fenland Local plan (2014) (LP) which seeks to ensure, amongst other things, that proposals provide sufficient amenity space, suitable to the type and amount of development proposed.

¹ Planning application ref: F/YR13/0894/F

Parking

10. The proposal encompasses 4 car parking spaces within the site for the two dwellings and one space within the integral garage of the one bedroom unit. The Council considers the car parking provision insufficient to serve the site. I note that whilst the Highway Authority did not raise any objection to the application they did raise concerns regarding the parking and turning arrangement for the three parallel parking bays.
11. Having regard to the information before me and from my observations on site, I am inclined to agree with the Highway Authority that the proposed parallel parking arrangement would be awkward and unusable by virtue of the lack of manoeuvring space. The implication of the proposal, if allowed, would be either an acceptance of a lower level of parking or an acceptance that there would be increased pressure for on street parking in the local area.
12. The National Planning Policy Framework (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership (paragraph 39). To be read alongside that paragraph, local planning authorities should only impose local parking standards for residential development where there is a clear and compelling justification that it is necessary to manage their road network.²
13. The site is in an accessible location close to the town centre. Moreover, there is no clear evidence before me to suggest that there is a material deficiency in parking in the immediate neighbourhood. Nor has it been demonstrated that even if the proposal were to result in a material deficiency, how this would have a harmful effect on neighbour amenity or highway safety. At my site visit, although I appreciate that this was just a snapshot in time, there did not appear to be high levels of on street parking which would indicate a high degree of parking stress. In the absence of more detailed evidence of a clear parking problem, I consider that it has not been demonstrated that the proposal would adversely affect the amenity of residents or have a severe impact on highway safety. In this regard, I agree with the Planning Officers summary that the scheme provides an appropriate level of parking given the accessible location.
14. I therefore conclude that the proposal would not have a harmful effect on parking in the area or a severe impact on highway safety and find no conflict with Policy LP15 of the Fenland Local plan which requires, amongst other things that development schemes should provide well designed car parking appropriate to the to the amount of development proposed.

Living conditions – neighbouring residents

15. The site is currently occupied by a 7 bedroom dwelling with an extant permission to convert the former bottle store to a one bedroom dwelling. Although the proposal would increase the number of units on the site, the number of bedrooms would decrease. The development of two family dwellings would be in keeping with the prevailing residential character of the area. Even if the proposal were to result in an increase in comings and goings, given the

² Written Ministerial Statement – 25 March 2015

scale of the proposal I am not persuaded that this would give rise to materially harmful levels of noise and disturbance, nor an unacceptable intensification of the site given the context of the locality.

16. I therefore conclude that the proposal would not cause material harm to the living conditions of the occupiers of adjacent properties and find no conflict with Policy LP16 of the LP, in this regard, which seeks, amongst other things that development does not adversely impact on the amenity of neighbouring users.

Other Matters

17. The site lies within the March Conservation Area (MCA). I note that the Council does not consider that the proposal would have an adverse effect on the character or appearance of the MCA. Given the minimal external changes to the host property and former bottle store and the small scale nature of the proposals at the mooring, I agree with the Council that the proposal would not materially harm the character or appearance of the MCA. Hence, the character and appearance of the MCA would be preserved.
18. I note the appellant's frustrations that his previous track record of refurbishing the site has not been taken into account. However, such personal circumstances seldom outweigh general planning considerations.

Conclusion

19. I have concluded that the proposal would provide adequate parking and have found no harm to the living conditions of neighbouring residents. However these matters are not sufficient to outweigh the inadequate living conditions for future occupiers.
20. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR