
Appeal Decision

Site visit made on 20 March 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 31st March 2017

Appeal Ref: APP/K1935/W/16/3164393

Amenity land adjacent to Leaves Spring and Tillers Link, Stevenage, Hertfordshire SG2 9BD

- 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 Alan Hartley against the decision of Stevenage Borough Council.
 - The application Ref 16/00551/FP, dated 12 August 2016, was refused by notice dated 9 November 2016.
 - The development proposed is change of use from public amenity land to residential and erection of a garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect on the safety and convenience of users of the adjacent highway.

Reasons

3. The appeal site is within an estate of relatively modern, quite high density terraced housing and relates to a small piece of local authority green space. The piece of land forms the western end of a strip of grassed verge that runs adjacent to the footpath alongside Tillers Link on its southern side from its junction with Leaves Spring. The appeal site extends deeper than the remaining width of the open space strip as it runs alongside an existing garage at the rear of 59 Leaves Spring, between it and a footpath serving the rear gardens of neighbouring properties.
 4. The back part of this piece of land was included within the wider public open space as it had contained a mature tree, but this has subsequently been removed leaving only a stump. The Council considers the loss of this small area of green space would cause no material harm to the character and appearance of the estate, and this forms no part of the reason for its decision.
 5. The proposal is for a pre-fabricated garage with a front hardstanding and access onto Tillers Link, similar to that existing adjacent at the rear of No 59. The appellant lives around the corner at No 55 and requires the garage and parking due to the general lack of on-street provision in this estate. This proposal is a revision to an earlier application for a longer garage here,
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which had been refused planning permission and the subsequent appeal¹ dismissed.

6. In the previous appeal the Inspector had agreed with the Council that the length of the hardstanding would be insufficient for a car to sit clear of the highway when using the space or entering the garage. It was decided this would cause conflict with pedestrians and vehicles using the adjacent highway and adversely affect its safe operation, and this would outweigh the benefits of providing additional off-street parking.
7. In this proposal the garage would be smaller with a depth of around 4.9m. The earlier appeal scheme has been for a 6.4m long garage which the appellant had required to house a motorhome van. This garage is intended for a smaller-sized car measuring 4.3m in length. The Council's Parking Provision Supplementary Planning Document² (PPSPD) recognises that garages are generally used for some storage and so considers that a minimum length of 6m, and width of 3m, is necessary for one to count as a car parking space. The Department for Transport's Manual for Streets (MfS) supports this standard as one applied by many authorities. The Council therefore considers the garage proposed cannot be considered to provide an off-street parking space.
8. The appellant acknowledges that it would not be possible for the Council to enforce the size of car the garage was intended for, but considers the area of hardstanding now allows a vehicle to be parked free of the public footway. The reduced size of the garage is now such that the hardstanding in front of it would be around 4.9m from the back edge of the footpath, although the dimensions vary due to the slight tapering of the site. This is in comparison with the approximately 3.4m length of hardstanding in the previous appeal proposal. The current proposed hardstanding would be around the length of that serving the next-door garage.
9. As in the previous scheme, the appellant is proposing a remote controlled garage door to minimise the time a car entering would be delayed and positioned over the footpath. However, I must attach weight to the previous Inspector's concerns that the continued functioning of remote activation equipment could not be guaranteed in perpetuity and any delays in opening the garage door would obstruct pedestrians and other drivers. Although not a busy road, the previous Inspector considered incidence of cars parking along the other side of the street could also complicate manoeuvring into the site adding to this delay. I agree with the appellant, however, that this would be a lesser concern in this proposal where the hardstanding was longer.
10. The appellant points to this proposal being similar to the dimensions of the next-door garage and hardstanding and that there are many similar examples within Stevenage. However, I agree with the Council that this proposal should not be assessed against historic developments but by currently adopted standards.
11. The MfS desired minimum size of a perpendicular parking bay is 2.4m by 4.8m which the length of the hardstanding proposed would more or less provide. However, this hardstanding area is not just a parking space but serves as a

¹ APP/K1935/W/15/3078186

² Parking Provision Supplementary Planning Document – adopted January 2012

forecourt to a garage and as such falls substantially below the size standards sought by the local highway authority's Highway Design Guide³ (HDG). This normally requires a distance of at least 6m between the garage and the back edge of the adjacent footway but can exceptionally permit a distance of 5.5m where, as in this proposal, a vertically opening roller door would be installed. However, this scheme only provides a length of approximately 4.9m which would be significantly below that recommended by the HDG. I judge this hardstanding would be only enough to accommodate a small hatchback car, provided use of a vertically opening roller door was maintained.

12. Based on the dimensions shown in the submitted drawings, this proposal would not provide for both an adequately-sized garage and front hardstanding area and, even with the continued use of remotely-operated vertical shutter doors, would be unsuitable for average-sized cars or any larger vehicles, which would likely obstruct the use of the footpath.
13. The appellant refers to measures employed by Redbridge Council to take action against any such incidence of footway overhang by seeking the removal and recovery of costs in respect of dropped kerbs. However, this appeal falls within the jurisdiction of Hertfordshire County Council as local highway authority and road enforcement matters are outside the scope of this decision. There are no means through the appeal to secure a no parking restriction on the proposed hardstanding should this land be sold on. Neither would it be appropriate to permit a development whereby further burdens would be placed upon the Council's parking enforcement officers to police the future use of this site.
14. I must give greater weight to the concerns of the Council and of the local highway authority in this case. The proposal would not meet the guidelines set out in the HDG and PPSPD in respect of garage sizes and associated forecourt lengths. This guidance includes seeking to ensure that such developments do not give rise to parking which might result in vehicles overhanging onto the public highway and prejudicing the safe movement of other road users. The National Planning Policy Framework requires that planning decisions take account of whether safe and suitable access to the site can be achieved for all people. The size of the garaging and hardstanding would not achieve that aim in this case.

Conclusion

15. Having considered the evidence provided by the parties, I consider this proposal would not provide the adequate garaging and hardstanding space necessary to avoid of the incidence of vehicles parking and adversely affecting the safe movement of users of the adjacent highway. Therefore, having considered all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

³ Hertfordshire County Council – Roads in Hertfordshire: A Design for New Developments and Roads in Hertfordshire: Highway Design Guide 3rd edition.