
Appeal Decision

Site visit made on 28 April 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/X0415/W/3168295

85 Vale Road, Chesham HP5 3HJ

- 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 John Stein against the decision of Chiltern District Council.
 - The application Ref CH/2016/1264/FA, dated 6 July 2016, was refused by notice dated 24 January 2017.
 - The development proposed is the conversion of existing single dwelling into two apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed conversion of dwelling on highway safety in the surrounding streets.

Reasons

3. The appeal site is located on the northern fringes of Chesham, and is a terraced house on the west side of Vale Road. The property is the third house along in a terrace of 4 houses; narrow passageways are located at both ends of the block, with further terraced housing set on either side. Set opposite the terrace is open countryside, bordered by reasonably tall trees and hedging. On street parking is possible on the road in front, with an informal layby type area on the other side of the street in front of the landscaping also used for parking.
4. The house has a long narrow garden, which ends with a boundary onto Abbots Vale. Abbots Vale is a cul-de-sac which is accessed from further north on Vale Road and then loops around to the south behind the appeal site and neighbouring dwellings. At its southern end, including behind the appeal site the street has terraced houses on its west side, with on street parking on the street in front of these properties. The area, aside from the countryside to the east, is densely developed with high levels of on street parking. Even at my site visit, which took place in the middle of the day, substantial on street parking was visible on both sides of Vale Road and along the west side of Abbots Vale.
5. The proposal seeks to subdivide and extend the existing house to create two, two bedroom apartments. Saved policy TR11 of the Local Plan¹ states that

¹ Chiltern District Local Plan, 1997, consolidated 2007 and 2011.

developments will be required to make vehicle parking and manoeuvring provision in accordance with policy TR16, and that permission will be refused for proposals which do not conform to this policy. Policy TR16 states that flats with three or more habitable rooms will be required to have two parking spaces. The Council state that the existing dwelling falls within the same category; that is where the residential use requires 2 parking spaces. Car parking spaces should be 4.88m by 2.44m with a distance of 6m between rows for access where the parking spaces are at right angles to the accessway.

6. The existing dwelling has a small front garden fronting the highway, and as stated above the rear garden also borders the highway of Abbots Vale. The property therefore has no existing parking provision. The proposal seeks to create a new access to the rear of the plot off Abbots Vale to create two parking spaces. Differing plans show these in a tandem arrangement or as two spaces side by side. Given the nature of the two proposed separate flats, likely to be occupied by 2 separate households I do not consider that tandem parking would work practically; one car could be 'trapped in' by another car. In practice this would likely lead to only 1 car using the space, leaving a shortfall of 3 car parking spaces, or 1 when taking into account the current deficit.
7. Swept path analysis submitted by the appellant details how the 2 side by side spaces could be utilised. This shows a situation to allow both spaces to be reversed into and driven out of, which would be located at right angles to Abbots Vale. This diagram graphically illustrates the restricted nature of the proposed parking spaces due to the width of the plot and the proximity of parked cars on the west side of Abbots Vale; so much so that the diagram details that cars parking in the northern of the proposed spaces would need to turn to the left when exiting, to then carry out a U-turn at the end of Abbots Vale to head out of the cul-de-sac, with all manoeuvres requiring multiple phases.
8. The County Council's Highways Officer had no objections to the proposal, subject to conditions and stated that they had visited the site to confirm the measurements of the access width, and were content that the site was able to accommodate two vehicles side by side. However, a later email from the same officer, submitted by local residents, states that their assessment was largely based on the Ordnance Survey plan as they were not able to definitively ascertain the site boundaries; it appears therefore that they were unable to confirm the measurements of the access width on the site.
9. No details of plot width have been provided to me by the appellants. The residents have submitted a statement from a chartered surveyor. This states that, following measurements and allowing a nominal fence post thickness of 75mm, the available plot width of the appeal site for access is considered to be 4.41m wide. Measurements of Abbots Vale provided a width of between 4.9-4.93m.
10. Such a site width would not allow the standards in TR16 of two spaces 2.44m wide to be met. Furthermore, the measured road width to rear is some way short of 6m required in TR16. Swept path analysis submitted by the residents uses such measurements and demonstrates that the two proposed spaces could not be accessed successfully when one space was already occupied.
11. I also noted on my site visit an existing access to the rear of the house to the immediate south of the appeal site, which would appear on the plans to be

visually very similar to the appeal site; the terraced property is of the same design and are the 2 middle units in a terraced run of 4 properties. This property has a built garage and short access drive. Although there is a substantial tree on the side of the access, I do not consider that two cars would be able to use this drive side by side; a photograph submitted by the residents accords with this view. Furthermore I noted a drop in levels to the rear gardens from Abbots Vale, making tight parking manoeuvres even more difficult in reality.

12. Based on the evidence provided therefore, I do not consider that the proposed access could accommodate two car parking spaces side by side and consequently only 1 car could park to the rear of the plot, meaning that 2, 2 bed flats would have 1 parking space between them in practical terms, leaving a shortfall in the standard in policy TR16 of 3 spaces.
13. As stated above, even on my site visit in the middle of the day there was considerable on street parking in the vicinity of the site. Photographs submitted in evidence show this to be the case at various times of the day and week. On Vale Road itself many cars appear to park on the pavement to allow more of the carriageway to remain open. Based on the standards in Policy TR16, the proposal would likely lead to 4 cars in the local environs, with at least 3 of them requiring to park on the street. Given the premium that extends to on street parking in the area as seen on my visit and as detailed in evidence, and notwithstanding the current under-provision of parking from the current house I consider that this shortfall would exacerbate current on street parking and lead to harm to highway safety.
14. I note that the Council's planning officer recommended approval for the scheme. Above, I have also noted the comments made by the Highways Officer for the County Council. However, the Council's planning committee considered that the scheme would create a risk to highway safety, which for the reasons given above I have agreed with.
15. I therefore conclude that the proposed conversion of dwelling would have a severe adverse effect on highway safety in the surrounding streets. The proposal would be contrary to Policies TR11 and TR16 of the Local Plan, as well as to policies CS25 and CS26 of the Core Strategy² which together state that developments will be assessed having regard to their impact on road safety and that proposals will be expected to provide satisfactory vehicular access so that the convenience, safety and free flow of traffic using public highways (including pedestrians and cyclists) are not adversely affected.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

² Core Strategy for Chiltern District, November 2011