

Appeal Decision

Site visit made on 13 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/N1920/3168929

1 Updale Close, Potters Bar, EN6 3HP

- 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 J Americanos against the decision of Hertsmere Borough Council.
 - The application Ref 16/1413/FUL, dated 18 July 2016, was refused by notice dated 19 December 2016.
 - The development proposed is the relocation of existing entrance from side to front to enable the erection of a 2-storey end of terrace, 3-bed dwelling with habitable loft accommodation to include front roof-lights and a rear dormer window.
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Decision

1. The appeal is allowed and planning permission is granted for the relocation of existing entrance from side to front to enable the erection of a 2-storey end of terrace, 3-bed dwelling with habitable loft accommodation to include front roof-lights and a rear dormer window at 1 Updale Close, Potters Bar, EN6 3HP in accordance with the terms of the application, Ref 16/1413/FUL, dated 18 July 2016, subject to the conditions in the attached schedule.

Procedural Matter

2. I have used the Council's description of development as it is much clearer than the one on the application form.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety with particular regard to car parking.

Reasons

4. The Council's Supplementary Planning Document, Parking Standards, 2014, (SPD) indicates that a 3 bedroomed house should provide 2 off street parking spaces. It says that developers proposing car parking above or below these levels should provide robust evidence to support their case. Lower parking requirements may be applied to Residential Accessibility Zones but the site is not within such a zone.
 5. The current dwelling has sufficient off street parking but the result of the development would be that the existing house would have no off-street parking and the proposed house would have just one parking space. Between the 2 dwellings, the deficit would be 3 spaces.
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6. Policy CS25 of the Hertsmere Local Plan Core Strategy, 2013, (CS) indicates that the quantity of off-street parking should be based on an assessment of several factors, including local on-street parking conditions and highway and pedestrian safety considerations.
7. There are communal parking areas on Updale Close and Rushfield, the road Updale Close is off. Updale Close provides some 18 spaces to serve the existing 12 properties, most of which do not have curtilage parking. Additionally, there are some 32 off-street spaces on Rushfield, many of which are opposite the end of Updale Close.
8. The appellant did "snap-shot" car parking surveys of the off road communal spaces on 26 January at 11:00 hours and on 27 January at 19:45 hours. These showed that during the day 42% of spaces were vacant, and 26% of spaces were vacant in the evening. In my view, the Updale Close parking area is the most relevant as this is the parking area which would be most convenient and therefore most affected by the proposal. In the evening, at the time of the highest occupancy, the survey showed 12 vehicles occupying the space, leaving 6 spaces vacant. This indicates a capacity for the 3 space shortfall as a result of the development.
9. Moreover, if the Updale Close parking area did happen to be full, the survey indicates that there would be space nearby on one of the Rushfield communal parking areas. I acknowledge the Council's comments that the survey could have covered other times such as at the weekend, but the weekend is likely to be similar to the evening, when most people are not at work. Furthermore, I have no evidence from the Council that there is high on-street parking pressure on the roads surrounding the site and no such evidence has been raised by third parties. In addition, the Local Highway Authority expressed "no objection" to the proposal. Overall, I have no substantive evidence that the proposal would lead to demonstrable harm in terms of car parking and I consider, in accordance with the Parking SPD, that the appellant's evidence is sufficiently robust to support his case.
10. I conclude that the proposal would not have a harmful effect upon highway safety. Consequently, I find no conflict with CS Policy CS25 or Policy SADM 40 of the Site Allocations and Development Management Policies, 2016, which in combination, require that development does not harm highway safety, or harm the flow of vehicles. Neither do I find conflict with the Council's draft Planning and Design Guide SPD Part D which indicates that regard should be had to on-street parking pressure, nor do I find conflict with the Council's Parking SPD which allows for flexibility with its parking standards.

Other Matters

11. I note representations from a neighbour in respect of noise, privacy, damage to her garden room, and a restrictive covenant. There would be some disturbance as a result of construction but this would be temporary and is not a reason for withholding planning permission. There would be adequate separation between the new and existing properties to avoid overlooking. Whilst I note her concerns about the privacy of her garden room, I do not consider this to be a habitable room as it is not part of the main house. Furthermore, I have no reason to believe the construction of the dwelling would harm the garden room. The existence of a restrictive covenant is a private

matter and not one that I can take into account in the determination of this appeal.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance (PPG). In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition has been imposed in the interests of the satisfactory drainage of the site. In the interests of visual amenity I have imposed conditions in relation to materials, boundary treatment and the storage of bins. In the interests of the living conditions of neighbours I have imposed a condition requiring that the development adheres to a construction method statement. A condition to ensure the provision of the parking space is necessary in the interest of a satisfactory parking scheme.
13. I have not imposed a condition requiring the submission of site levels as the level is obvious from the plans (i.e. it is clear that the levels would be the same as those of the existing dwelling) and therefore such a condition is not necessary. I have not removed permitted development (PD) rights as the PPG advises against such conditions except in exceptional circumstances and, whilst I acknowledge that the plot is small, the Council has not justified how this amounts to an exceptional circumstance that would justify the removal of PD rights.
14. Conditions 5 and 6 are pre-commencement conditions as this is the best way to make them enforceable.

Conclusion

15. For the above reasons, I allow the appeal subject to conditions.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) No construction of external walls or the drive shall take place until samples of all external facing materials, and the external hard surfacing materials of the drive, have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 3) The dwelling shall not be occupied until the car parking space has been provided and surfaced in accordance with the approved plans and details. The space shall remain thereafter.
- 4) The development hereby permitted shall not be occupied until all walls, fences, gates and/or other means of enclosure have been erected in accordance with details that will have first been submitted to and approved in writing by the local planning authority.
- 5) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved

in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) Hours of construction.
- 6) No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and retained in perpetuity.
- 7) The dwelling shall not be occupied until the details for the storage of bins have been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in accordance with the approved details prior to the first occupation of the dwelling and shall be retained thereafter.