



Appeal Decision

Site visit made on 26 June 2017

by Katie McDonald MSc MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/A4710/W/17/3171505

4 The Hame, Stainland Road, Sowood, Elland HX4 9HT

- 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 N Watson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00840/FUL, dated 23 June 2016, was refused by notice dated 10 November 2016.
 - The development proposed is a rear extension to number 4 and new 2 storey semi-detached house to side.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension to number 4 and new 2 storey semi-detached house to side at 4 The Hame, Stainland Road, Sowood, Elland HX4 9HT in accordance with the terms of the application, Ref 16/00840/FUL, dated 23 June 2016, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the development upon highway safety.

Reasons

3. The proposal seeks to construct a single storey rear extension to No 4 and erect a two storey dwelling to the side elevation. A number of dwellings within this row rely upon on-street car parking. Parking bays are marked out on street, interspersed with 'H' markings in front of access points; and there are marked out bus stops to the south of the site on both sides of the road. The road has a 20mph speed limit.
4. Policy T18 of the Replacement Calderdale Unitary Development Plan (August 2006) (DP) specifically refers to maximum parking allowances and states that all houses should provide '1 space per dwelling PLUS 1 space per dwelling where parking is available within the curtilage of the dwelling'. The Written Ministerial Statement (WMS) of 25 March 2015, in relation to local parking standards, requires that Local Planning Authorities (LPA) should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.
5. Parking for the new dwelling would be to the front of the house, the Manual for Streets (MfS) March 2007, sets out that a standard off street parking bay should be at least 4.8m long by 2.4m wide. That is at odds with the assertion that 6m is

required given the house frontage and boundary wall. There is nothing before me to support that measurement, furthermore when applying the government guidance in MfS, the parking bays would be in excess of the width advised by approximately 40cm. This would allow additional room for the boundary wall and house frontage given that the space between the cars would be unhindered.

6. Moreover, two parking spaces serving one residential dwelling would be more than sufficient provision in this case as Policy T18 sets out maximum parking allowances. Therefore should the development only provide one off street space, there would be no conflict with policy and as such, I find that the spaces would be appropriate and provide sufficient off street parking to serve the needs of the residents.
7. Manoeuvring for the spaces would be located to the front of No 5. Whilst a rather unconventional solution, to turn in a neighbouring garden, it would provide a sufficient depth of 6m to turn a car and exit in forward gear. I accept that this solution is based upon goodwill and there is nothing before me to suggest that it would be likely to lead to neighbouring disputes. Although in the event that this space was not available for manoeuvring, I accept that residents of the dwelling would be required to reverse out or back into their space from Stainland Road.
8. However this is a manoeuvre which is commonly carried out by other dwellings on the road, for example, Nos 1 and 8, and potentially carried out at the site already. Moreover, due to the speed limit, the existing 'H' markings, the straight length of road, and the parking bays, I do not consider that it would be detrimental to the free and safe flow of traffic or highway safety to introduce or continue with this manoeuvre.
9. The house would be built on the existing access track to the side of the dwellings. There is some dispute as to whether the track is used for off-street car parking for up to 3 cars. However, taking the worst case scenario, the development may result in up to 3 cars parking on-street. It is not unusual for kerb space to be in high demand particularly at evenings and weekends. However, I have no evidence before me to substantiate that demand is such that any increase in on-street parking would be to the detriment of the free and safe flow of traffic.
10. The site is in a semi-rural location with development on one side of the road only. Whilst being located on a relatively busy 'B' road, it does benefit from marked out parking bays and a residential 20mph speed limit. Several dwellings surrounding the site have off-street parking, and the marked parking bays extend some distance to Back Bowling Green Road. Given these factors, I do not find that the potential increase of 3 cars parked on-street would have such an effect upon the safe and free flow of traffic that it would be harmful to highway safety.
11. Consequently, I do not find that the development would have an unacceptable effect upon highway safety, and there would be no conflict with Policies BE5 and T18 of the DP, which seek to ensure the safe and free flow of traffic and set out maximum parking allowances.

Other Matters

12. Planning permission would not override any legal rights of access and that is a matter for the landowners. The LPA did not find the development to have any detrimental effect upon the character and appearance of the area and I see no reason to disagree. The sewage system would be dealt with under legislation outside of planning and the emergency access to the rear could be gained from

other access points, or indeed the existing access that will be retained. Finally I have no evidence before me regarding how the development would create a wind tunnel. Therefore these matters do not lead me to a different conclusion.

Conditions

13. I will attach a condition ensuring the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials, hard surfacing and boundary treatments are needed to ensure that the appearance of the development is satisfactory and there is provision for a sustainable drainage system to the front parking area. A condition requiring the off-street parking area to be constructed is required to ensure the provision of off-street parking.
14. I have not imposed a condition relating to the removal of permitted development rights as I have not been presented with any exceptional circumstances or reasons why this would be reasonable or necessary. In the same way the condition relating to the requirement for a vehicle charging point would be unreasonable and disproportionate given that this would be a development for a single dwelling; there is no evidence as to why this would make the development acceptable in planning terms. Neither have I imposed the condition which requires measures to facilitate the provision of high speed broadband; the LPA has not explained exactly what would be required, or why it is needed to make the development acceptable in planning terms.

Conclusion

15. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR

Schedule of 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 approved plans: Proposed Plans 13013-P101 B, Parking Layout 13013-P100 C and Location Plan 13013-S100 A.
- 3) No development shall take place until samples of all external facing and hard surfacing materials, and boundary treatments have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. Parking Layout 13013-P100 C for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.