

Appeal Decision

Site visit made on 20 July 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 3 August 2017

Appeal Ref: APP/Z3445/D/17/3175484

10 Linden Close, Tamworth, Staffordshire, B77 3HB

- 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 M Booton against the decision of Tamworth Borough Council.
 - The application Ref 0133/2017, dated 15 March 2017, was refused by notice dated 21 April 2017.
 - The development proposed is a side first floor extension over existing ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a side first floor extension over existing ground floor extension at 10 Linden Close, Tamworth, Staffordshire, B77 3HB in accordance with the terms of the application, Ref 0133/2017, dated 15 March 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appeal property was extended further to planning permission in 1983¹. In 2016, a Lawful Development Certificate² was granted for a two storey rear extension and single storey side extension; and the Council states that a notification of larger homes extension for a single storey rear extension³ was granted. The Council states that the application is a resubmission of application 0199/2016.
3. The Council considers that the proposal would not cause harm to the street scene, that its design matches that of the host property and that there would be no impact on the living conditions of neighbouring occupiers in respect of daylight, outlook or privacy. Consequently, the main issue in this case is that set out below.

Main Issue

4. The main issue in this case is the effect of the proposed development on highway safety.

¹ Ref: W/83/1168.

² Ref: W/16/2016.

³ Ref: W/16/2025.

Reasons

5. The appeal property is a two storey semi detached dwelling located towards the end of a cul-de sac. It is situated in a residential area, largely characterised by similar semi detached dwellings set back from the street behind short gardens and/or driveways/parking areas. There is private off-road parking in front of/to the side of the appeal property.
6. During my site visit, I observed that a number of properties in Linden Close have been altered and/or extended and that such changes tend to appear in keeping with local character. I also noted that some houses in the cul-de-sac have large parking areas, capable of accommodating several vehicles and that unrestricted on-street parking is also available on Linden Close and on surrounding roads.
7. The proposed extension would provide an additional bedroom, creating a four bedroomed dwelling. The Council contends that this would result in "significant harm" to highway safety. However, no substantive detail is provided in respect of what this harm might comprise, other than that the proposal "is likely to result in off-road parking on a narrow road." The Council seems to be referring to "on-street" parking in this regard.
8. During my site visit, I observed there to be plenty of opportunities for on-street parking along Linden Close, as well as on neighbouring streets. There were examples of on-street parking along Linden Close at the time of my site visit and it appeared to me that such parking would still leave adequate room for vehicles to travel along Linden Close. There is no substantive evidence before me to the contrary and there is nothing before me to demonstrate that the safety of users of the footpaths on either side of Linden Road would be unduly compromised in this regard. Consequently, there is nothing to lead me to the conclusion that on-road parking along Linden Close would necessarily equate to the same thing as harm to highway safety.
9. In the above regard, I note that on-road parking in residential areas is neither unusual nor necessarily harmful but is a common occurrence that reflects the reliance people place on cars to go about their day-to-day business.
10. Further to the above, I am mindful that the Council, in support of its decision, states that the Tamworth Borough Local Plan (2016) "requires that...a 4 bedroomed house should have 3 off road spaces." However, Local Plan Policy EN5 requires new development to "pay particular regard to... adopted parking standards." The adopted car parking standards, set out in Appendix C of the Local Plan⁴ provide guidance and recognise that parking requirements "are but part of the overall assessment of the planning merits" of a proposal. Rather than provide an absolute requirement for all development, including residential extensions, to strictly adhere to, the Parking Standards provide scope for flexibility.
11. In this case, there is no substantive evidence to demonstrate that harm to highway safety would arise as a result of the proposed development. The proposal would, however, provide extra living space without harm to local character or residential amenity and this is a material planning benefit. I also

⁴ Ref: Appendix C – Car Parking Standards, Tamworth Borough Local Plan (2016).

note that the appellant, in his submission, refers to the fact that he already parks three cars on his driveway (and he has provided photographic evidence of this) and that the proposed development would not result in a change to his circumstances in this respect.

12. Taking all of the above into account, I find that the proposed development would not harm highway safety. It would not be contrary to the Framework, to Tamworth Borough Local Plan (2016) Policies EN5 or SS2, or to the Council's car parking standards, which together amongst other things, seek to prevent harm to highway safety.

Conditions

13. I have considered the conditions suggested against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning.
14. A condition controlling materials is necessary to protect local character.
15. The Council considers that a condition should be imposed requiring the provision of three car parking spaces within the curtilage of the site. In support of this, the Council refers to such provision as being a requirement of Local Plan Policy EN5 whereas that Policy requires *regard* to be paid to highway safety and car parking standards, both of which matters are considered above. The condition is not necessary to make the development acceptable in planning terms.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/Z3445/D/17/3175484
10 Lindon Close, Amington, Tamworth, Staffordshire, B77 3HB**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SP2; 7967/9; 7967/8A; 7967/7; 7967/6.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
