
Appeal Decision

Site visit made on 15 August 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 22nd August 2017.

Appeal Ref: APP/Q1153/W/17/3169460

Millers Cottage, Buddle Lane, Hatherleigh, Okehampton EX20 3HX

- 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 Ricci Cobb against the decision of West Devon Borough Council.
 - The application Ref 2606/16/HHO, dated 22 August 2016, was refused by notice dated 25 November 2016.
 - The development proposed is extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on parking provision and the free flow of traffic on Buddle Lane and the living conditions of the occupiers of the development in respect of outdoor amenity space.

Reasons

Parking

3. Buddle Lane is a short and narrow road with a number of properties accessed off it. At my site visit I observed that on-street parking in this road was in high demand and, with the parked vehicles, the remaining roadway was reduced to a single lane width.
4. There is a concrete yard area located to the front of the appeal building which, at the time of my site visit, was partially enclosed by a low boundary. This yard is about 2m wide and therefore below the standard width of a parking space. Nevertheless, with modest encroachment onto the road, it would allow for the parking of a single, or possibly two small, vehicles. Although the arrangements are not ideal it would allow the occupants an area to park without obstructing the road or adding to the existing pressure for on-street parking.
5. The extension would result in the reduction of this area. The evidence before me shows that the remaining space would allow for a smaller car to be parked. However it is not possible to reasonably control the type or size of vehicle that future occupants would own and it appears that larger cars could not be easily accommodated in this space.
6. Hatherleigh is a small settlement with limited employment opportunities and services. Even though the dwelling would be small it is likely that the occupants would have a vehicle to allow traveling to meet their daily needs. The existing

boundary treatment has restricted the parking availability, but this is not a particularly permanent structure and future occupiers may choose to remove this to allow parking conveniently close to their home. In contrast the extension would permanently remove much of this available space. This is likely to add parking pressures to an area where this is already in high demand. Given the narrow nature of the road this may well result in injudicious parking to the detriment of other users of the lane.

7. There is a public car park within the settlement, however it is a short walk from the appeal site and it is likely that occupiers would seek to find free parking closer to their home. I therefore do not consider that this provides an adequate alternative. Policy H40 of the West Devon Borough Council Local Plan Review (the LP) requires that adequate parking is provided where extensions are proposed and Policy T8 has similar aims. In view of the circumstances of the site, with a high demand for on-street parking and the limited range of facilities and employment opportunities in the settlement I consider that the provision of no parking on site is not appropriate even taking account of the small size of the development and that some flats above shops are often not provided with parking. If the extension were to be erected the space available for parking could not accommodate all sizes of domestic vehicles and as such this could lead to inadequate parking arrangements. I therefore conclude that the development would not provide adequate parking contrary to Policies H40 and T8 of the LP.

Outdoor amenity space

8. The concrete yard area to the front of the building sits adjacent to the road; it is an open area and does not provide any private space. The development would result in the reduction of this area, reducing the outside space available to the occupants. If a car were parked in the remaining space it would effectively remove any outside amenity area. In its current form the space does not provide a high quality outside environment for occupants of the building and therefore the reduction, or loss of, this area would not be significantly detrimental to their living conditions. I therefore find no conflict with Policy H40 of the LP which seeks to secure adequate outside space to meet the needs of the occupants of buildings.

Other matters

9. The Council is concerned that the scheme to convert the building to a dwelling was not implemented by the specified date and therefore the lawful use of the property remains as an office. The appellant states that the conversion took place in time. I have not been provided with particularly convincing evidence from either party to reach a conclusion on this matter. In view of my findings in respect of the first main issue, it is not necessary that I do so.

Conclusion

10. The adverse effects of the development are sufficient to mean that it would conflict with the development plan when taken as a whole and the lack of harm in respect of the loss of outdoor amenity space would not mitigate this. I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR