



Appeal Decision

Site visit made on 17 October 2017

by V Lucas LLB MCD MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/H4315/W/17/3179295

Bowling Green Inn, 125 Robins Lane, St. Helens, WA9 3NQ

- 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 S Rudich against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2017/0338/FUL, dated 12 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is a single storey rear extension and conversion of existing public house to form a 14 bedroom HMO and 2 No. 1 bed studio apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety, with particular regard to levels of on-site parking provision.

Reasons

3. The appeal property is a two storey, former public house. It is situated at the junction of Robins Lane and Baxters Lane. The development proposed would see the erection of a single storey rear extension and the conversion of the existing building to form a 14 bedroom HMO (House in Multiple Occupation) and two 1 bedroom apartments.
4. The submitted plans show an area for car parking on land to the rear that would be used for the future occupants of the building. The plan shows seven parking spaces are proposed.
5. The Council's decision notice refers to policy CP2 3 ii of the St. Helen's Local Plan Core Strategy (Adopted October 2012) (CS) which seeks to ensure that development provides adequate on-site parking, which should not exceed the Council's adopted maximum standards, unless it is proven to be essential to avoid highway danger. Additionally, the Council's 'Ensuring a Choice of Travel' Supplementary Planning Document (Adopted June 2010) (SPD) sets out the parking standards for the area for different types of development. Outside of town centre locations, 1.5 spaces per dwelling is required. HMOs are not specifically listed as a type of development within the SPD.
6. Notwithstanding that the SPD was adopted in 2010, the National Planning Policy Framework contains the provision for local authorities to set local parking

standards subject to certain criteria (paragraph 39) and there is little specific information before me to suggest the local policy conflicts with this approach. I therefore attach weight to the policy in accordance with paragraph 215.

7. There is some dispute between the main parties as to the level of on-site parking provision that would be acceptable for the proposal. Although not specifically referred to in the SPD, the Council have suggested that 0.7 spaces per unit for a HMO would be acceptable based on experience elsewhere within the Borough. Even taking into account this lower requirement, the proposal would still result in an under provision of on-site parking spaces. Although I accept that there is no formal policy basis for this requirement. For clarity, the term 'acceptable' is normally used to indicate that a planning judgement is required taking into account the particular circumstances of the site, and any adverse impacts that may occur as a consequence of a proposal along with any benefits. For this reason, it is not uncommon to find planning policies are flexibly worded to allow for a planning judgment to be made.
8. The proposal would include two apartments. The SPD requires 1.5 spaces per flat (or apartment in this case). This equates to 3 spaces. That would result in 4 on-site parking spaces being available for the future occupants of the HMO to use. It may be that the nature of a HMO and the type of tenant likely to live there could be different to a tenant of a typical apartment. However, no specific evidence has been submitted by the appellant to show that occupants of HMO's are any more or less likely to own private cars than people living in apartments. The appeal site is situated within an urban location with two bus stops and three railway stations nearby and a wide range of services and facilities that are accessible via a range of sustainable transport modes. This may have the effect of reducing the anticipated need for future occupants of the proposed HMO to be reliant on the private car. Nevertheless that does not guarantee that all future occupants of the HMO will choose not to own a car.
9. It is likely that at least some future occupants of the HMO will own private cars and will therefore need to park them close to the appeal building. The proposal is for a 14 bedroom HMO. Whilst I accept that not all the units would be double occupancy, there is no specific evidence before me to indicate that all the units would be single occupancy. There is the potential for at least some of them to be occupied by two people. On that basis, it is reasonable to assume that the HMO would have at least 14 occupants, possibly more.
10. The proposal would result in only 4 on-site parking spaces being available for the occupants of the HMO. This would equate to one parking space being provided per 3.5 unit. There is also no provision for on-site visitor parking as part of the appeal scheme. For these reasons, I consider it likely that the majority of future occupants of the HMO who choose to own a private car would find it necessary to park on the surrounding highway network.
11. I also note that the submitted plan does not show the dimensions of the proposed on-site parking spaces. It therefore maybe that the actual amount of on-site parking that the scheme would provide may be less than stated once space for the turning and manoeuvring of vehicles is taken into account. The number of vehicles parked on the roads as a consequence of the proposal could therefore be greater if the number of actual on-site parking spaces is less.
12. The appeal site is situated next to a roundabout at the junction of Baxters Lane with Robins Lane. The rear of the site is also next to the junction of Baxters

Lane with Grace Street. The appeal site is therefore bordered by the highway on three sides. The local road network is relatively busy at this point with a steady through flow of vehicular traffic including cars and buses. Given the presence of the roundabout and the proximity of the road junctions, there are also a high number of vehicle manoeuvres taking place close to the appeal building, with drivers needing to break and negotiate the roundabout. Whilst the Council may not have submitted specific data relating to Road Traffic Accidents, forward visibility for vehicles entering the roundabout from Baxters Lane onto Robins Lane is somewhat restricted due to the built form at either side of the junction and the highway also narrows at this point. The existing built form at the junction also restricts views of vehicles exiting Baxters Lane onto the roundabout for drivers travelling along Robins Lane until they are in close proximity to the junction. There is also a bus stop close to the roundabout which, when in use, presents an additional factor that motorists must negotiate when travelling along the highway, with traffic stopped behind parked buses and passengers disembarking and crossing the road.

13. Parked cars on the highway close to the roundabout and in proximity to the appeal site would result in an additional hazard for motorists to negotiate at this point. If parked close to the junction of Baxters Lane with Robins Lane, they would be likely to restrict visibility for motorists at a point where the road is already narrow and forward visibility is reduced. For these reasons, I consider that additional levels of on-street parking close to the appeal site as a consequence of the appeal scheme would be harmful to highway safety. Based on the plans submitted, I am also in agreement with the Council that forward visibility for vehicles exiting the proposed on-site parking spaces may be restricted when exiting the site and this adds to my concerns.
14. I acknowledge that the appeal building was previously used as a public house. Whilst the previous use may have attracted some vehicular movement as a consequence of customers visiting the premises, there is no evidence before me to suggest that this amounted to a significant amount. Furthermore, visits by car to pubs are likely to be of a shorter duration than a residential use where cars are more likely to be parked in one place for a longer duration such as overnight. Whilst the appellant has referred to a plan to create an additional parking area on grass to the rear of the pub that does not form part of the appeal scheme before me.
15. There is a small parking area to the rear of the appeal property. However, that appeared to be in use by existing residents living in the area and I observed that many of the dwellings are terraced and did not appear to have designated on-site parking spaces provided. The use of this area by up to 10 additional cars as a consequence of the proposal would not be possible due to its limited capacity and would therefore be likely to displace parked cars onto the surrounding road network in any event which, for the reasons I have described above, would be harmful to highway safety. Furthermore, as this parking area is currently used by existing occupants, whether or not there is any formal notice or indication to reserve the area for this use, the use of the area by future occupants of the proposal to park cars would be likely to result in a degree of conflict that would be harmful to the living conditions of existing occupants of the dwellings.
16. Drawing matters together, I conclude that the proposal would be harmful to highway safety, with particular regard to levels of onsite parking provision.

The proposal would therefore conflict with policy CP2 of the CS and the SPD (as set out above).

Other Matters

17. The appeal site would see the conversion of a disused building to provide additional housing within the urban area within an existing settlement. There are also a range of facilities and services accessible via a range of sustainable transport modes, with a bus stop being situated close to the appeal site. The appeal site is therefore in an accessible location. However, the harm that I have identified above outweighs these modest benefits.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas

Inspector