

Appeal Decision

Site visit made on 31 October 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 15th November 2017

Appeal Ref: APP/N4205/W/17/3180144

10 Rushford Grove, Bolton, Greater Manchester, BL1 8TD

- 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 F. Patel against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 97874/16, dated 1 November 2016, was refused by notice dated 28 March 2017.
 - The development proposed is change of use from dwelling to residential and private hire vehicle parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The plan¹ submitted with the application shows three private hire parking spaces and four residential parking spaces, one of which would be for visitors. The Council has altered the description of development to: *Additional use of a dwellinghouse for one private hire operator with 4no additional private hire parking spaces*. However the revised description has not been adopted by the appellant in Section E of the appeal form and so I shall determine this appeal on the basis of the description set out on the application form and the numbers of proposed spaces and their layout as set out on the submitted plan.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of nearby residents with regard to noise and disturbance; and,
 - Highway safety.

Reasons

Living Conditions

4. The appeal property is a detached house which lies within a group of detached and semi-detached houses at the head of a cul-de-sac. The appeal property lies directly next to the turning head. The surrounding area is residential.
5. The proposed development is to change the use of the property to enable additional private hire vehicles to park and operate from it. Seven car parking

¹ 6543 Dwg 1A Existing/Proposed Plan – Revision A 1/11/16

spaces are proposed, four of which would be for the residential use of the house and three of which would be for the private hire operation. Currently one private hire vehicle operates from the site. The operation would employ one full-time member of staff and two part-time members of staff. In the absence of information to the contrary I am going to deal with the appeal on the basis that the proposed use would operate 24 hours per day.

6. The houses on this part of Rushford Grove sit tightly around the head of the cul-de-sac. There is a house on either side of the appeal property and then houses opposite face towards the appeal property. The houses have individual drives. The use of the appeal property as a base for up to three private hire vehicles would introduce activity which would be additional and have a different nature to the current activity likely to be associated with the residential nature of the other houses.
7. Vehicles could be entering and leaving the drive on a 24 hour basis and whilst this may not be constant as the taxis would be likely to out on business for parts of the day or night, there is the potential for these movements to be relatively frequent and occur during the day and the night. Vehicles would have to either reverse onto or off the drive and given the proposed parking arrangements with some vehicles parked behind others, it is possible taxis and other vehicles may have to be manoeuvred to allow other vehicles to leave. This, and the opening and closing of car doors, starting of engines, and the possible waiting of vehicles on the drive, would generate noise which is likely to disturb the occupants of neighbouring properties beyond which would normally be reasonably expected in a quiet residential street.
8. For the reasons above I conclude that the proposed development would have a significantly harmful effect on the living conditions of the occupants of neighbouring properties by virtue of noise and disturbance and would be contrary to Policy CG4 of the Council's *Local Development Framework Bolton's Core Strategy Development Plan Document 2011* (the Core Strategy). This policy seeks, amongst other matters, to ensure that new development is compatible with its surroundings, protects amenity and does not cause unacceptable nuisance or noise.
9. The proposed development would also be contrary to the fourth bullet point of the core principles set out in paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to promote good design and ensure a good standard of amenity for all existing occupants of land and buildings.

Highway Safety

10. The proposed development would introduce the potential for a significant number of vehicle movements in the turning head of the cul-de-sac. This is likely to be exacerbated by the likely need to manoeuvre vehicles in and out of the seven proposed spaces given that some vehicles may be blocked in by other vehicles due to the layout of the spaces.
11. However, the appeal site directly accesses the turning head and I consider that that the movement of vehicles which would be associated with the proposed use could be expected to be carried out in a manner which would not be harmful to highway safety.

12. Comments have been made by local residents raising doubts about the ability to park all the necessary vehicles on the site. However the Highway engineers raised no objection on this basis. I note that in accordance with the Council's parking standards, the maximum number of residential spaces required for this size of house is three. The proposed development would involve up to a further three spaces. This would mean that only six spaces would be required in total. However even if at certain times a vehicle parked in the street, I consider that this in itself would not necessarily cause harm to highway safety.
13. For these reasons I conclude that the proposed development would not be harmful to highway safety and would accord with Policy S1 of the Core Strategy which seeks to ensure, amongst other matters, that the design of new developments promotes road safety. It would also accord with Policy P5 of the Core Strategy which seeks to ensure, amongst other matters, that appropriate parking provision is made in new developments.

Other considerations

14. I have been referred to a recent granting of temporary planning permission for a house on Blackburn Road in Bolton to be used as a base for private hire vehicles. I do not have the specific details of that case before me particularly as to why the Council considered it appropriate for a temporary consent. Such consents are sometimes given in order for a use to be monitored. However I consider that such a condition would not be appropriate in this case given the harm to living conditions and highway safety which would result from the proposed development.

Conclusions

15. The proposal would create a full-time and two part-time jobs. In accordance with the Framework significant weight should be placed on the need to support economic growth through the planning system. However, this must be balanced against harm. Whilst I have found that there would be no harm to highway safety, I have found that significant harm to the living conditions of nearby residents would result from the proposed development. Overall therefore I conclude that the benefits would not outweigh this harm and therefore for the reasons set out above, and having considered all matters raised, the appeal should be dismissed.

Mike Worden

INSPECTOR