



Appeal Decision

Site visit made on 15 November 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 6th December 2017

Appeal Ref: APP/V2004/W/17/3181076

32 Albany Street, Hull, East Yorkshire HU3 1PL

- 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 NPNM Holdings Ltd against the decision of Kingston-upon-Hull City Council.
 - The application Ref 17/00536/FULL, dated 19 April 2017, was refused by notice dated 21 July 2017.
 - The development proposed was originally described as internal alterations to existing 3 flats to create 5 flats.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from 3 flats to 5 flats. Installation of rooflight to rear roof slope. Erection of cycle store to rear at 32 Albany Street, Hull, East Yorkshire HU3 1PL in accordance with the terms of the application, Ref 17/00536/FULL, dated 19 April 2017, subject to the conditions in the attached schedule.

Procedural Matter

2. The description in the header above is taken from the original application form. However, I have used that given in the appeal form and decision notice in my formal decision as this provides a more accurate and complete description of the proposal. I am satisfied that the Council considered the application on this basis, as have I.

Main Issue

3. The main issue is the effect of the development on highway safety and living conditions of nearby residents, with particular regard to the provision of off-street parking.

Reasons

4. The appeal relates to a terraced residential property that is already in use as 3 flats. It currently provides no off-street parking. The Council's primary concern is that the resulting increase in demand for on-street parking is likely to lead to issues over highway safety and the living conditions of nearby residents. While the Council does not identify what the specific effect on living conditions would be, it would be reasonable to assume it would relate to matters of inconvenience and other consequential effects of increased pressure for parking in the street.

5. Albany Street is laid out as a 'home zone'. This is a traffic calming method for slowing traffic, which includes various measures, including obstacles and different types of road markings to slow traffic down and give priority to pedestrians. The area has a 20 mph speed limit and the nature of the street is identified by signage at either end.
6. The parking standards set out in Policy M30 of the Hull City Plan (HCP)(2000) require 1.5 spaces per dwelling for flats and terraced houses irrespective of the size of the unit or the number of bed spaces provided. Theoretically, the existing use of the building generates a demand for 4.5 off-street parking spaces against these standards. Presumably, this demand is already being accommodated on the street. The standards would suggest the two additional flats would generate a demand for 3 spaces. As the existing use of the building provides an obvious fallback position, it is only the effect of any likely increase in demand for spaces which should be considered here and whether this would result in harm.
7. The floorspace of the existing flats would be reduced to accommodate the two additional units. Whilst it might be possible for the resulting 1 bedroom flats to accommodate more than 1 person, their respective sizes appear more likely to be commensurate with single occupation. When also taking into account that one flat would be reduced from 2 to 1 bedroom, I am not convinced that the overall demand from this development as a whole would be as high as 7.5 spaces. Even if the development were to lead to additional demands, it is unlikely that the nature of the flats would realistically generate demand for 3 additional spaces over and above existing requirements.
8. There are a number of designated diagonal parking bays along the street as well as designated parallel parking spaces. I visited the site in the early afternoon. While I recognise my site visit only represents a snap shot of normal highway conditions or demands for parking, I saw that there were a number of vacant designated spaces along the street, as well as a number of vehicles parked partially on and off the pavement. However, none of these were parked in areas restricted by double yellow lines, nor did they appear to be in locations where the free flow of traffic along the street would be adversely affected. Whilst having regard to potential changes in demand in the evenings and at weekends, my observations suggest that a degree of daytime capacity exists to accommodate a small increase in parking demand with no harmful effects.
9. This appears to be a similar situation to that observed by a previous Inspector who considered an appeal on the same street in 2016¹. This decision related to a change of use from flats to a house in multiple occupation. The Council has indicated that this change of use would not have resulted in any additional demand for parking against the requirements of Policy M30. Nonetheless, the Council were still concerned about the effect of additional demand for parking on the street and thus this appeal remains an important material consideration.
10. The Inspector in that case also concluded that even if there were additional demands from the HMO, there was no persuasive evidence before him that there would be insufficient capacity to accommodate demand along Albany Street or that drivers associated with the development would park obstructively, illegally or inconsiderately. There is nothing before me to

¹ Appeal reference: APP/V2004/W/16/3150214

suggest there has been any material change in circumstance since this decision was made. Moreover, the Council has not provided any evidence to suggest that on-street parking pressure in the area has already been the cause of quantifiable safety problems as a result of obstructive or dangerous parking. I have seen nothing therefore that would lead me to a different conclusion to the previous Inspector in terms of parking capacity or the likelihood of future occupants parking unsafely or illegally.

11. In addition, the site is only a short distance from a good range of shops, services and public transport routes. As a result, occupiers of the flats may not be completely reliant on cars to meet their daily needs or necessarily be car owners. I note the Council's comments that these factors would not necessarily reduce the potential for car ownership and/or demand for parking.
12. I have not been made aware of what stage the emerging Hull Local Plan 2016-2032 (June 2016) is at in its preparation. As such, I can only give it limited weight in my decision. Nonetheless, emerging Policy 32 on parking standards indicates that these should be applied flexibly to take account of accessibility and the availability of public transport. This reflects paragraph 39 of the National Planning Policy Framework (the Framework). Notwithstanding the weight that can be given to this policy, both this and the Framework support a flexible approach that takes account of the relative accessibility of a site when considering appropriate parking levels. It is not unreasonable to assume therefore that the high degree of sustainability of the site may help to reduce the demand for car use and parking in the area to some extent. This might also help to mitigate the effects of the increase in demand generated by the two additional flats.
13. As on-street parking is clearly a feature of the area, local residents and drivers will be aware of the need to give due consideration to parked cars and pedestrians. As already noted, the road layout and speed limit necessitates this approach in any event. The limited increase in parking demand generated by the development is unlikely to result in any significant change in the approach of drivers or pedestrians or have a material effect on their safety. It is also unlikely that this would lead to any particular increase in inconvenience to existing residents or other effects such as noise or disturbance. The overall situation with regard to demand, or any potential for overspill parking outside Albany Street, is unlikely to change significantly.
14. There would be conflict with the requirements of HCP Policy M30 and, consequentially, Policy H12(a)(iv) in terms of the specific level of parking. However, the existing use already falls short of these requirements and the additional demand would not be significant. Taking all other matters into account, including the realistic likelihood of the flats adding significantly to demand, local accessibility and a lack of substantive evidence as to existing problems with safety or living conditions in the area, I do not consider the effects of the development would be so problematic as to warrant the refusal of planning permission on these grounds.
15. I therefore conclude that although there would be no specific parking provision for the flats, this would not result in inadequate parking provision or servicing, any undue additional risk to highway or pedestrian safety or any material harm to the living conditions of nearby residents. Accordingly, there would be no conflict with HCP policies M29, H1 and H12(b) or SPG Note 17 which seek,

amongst other things, to ensure that development has adequate parking for motor vehicles and cycles, would be acceptable in terms of traffic generation and safety and would not adversely affect local amenity. I am therefore satisfied that the proposal would comply with the development plan when taken as a whole.

Conditions

16. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG) and paragraph 206 of the Framework. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
17. I have imposed a condition on the siting of meter boxes and letterboxes in the interests of the character and appearance of the area. I have also imposed conditions requiring the details of sound attenuation to be agreed prior to commencement of development. This is a necessity to ensure the development is carried out in accordance with the approved details. I have imposed a condition requiring the provision of refuse storage facilities prior to the occupation of the flats. Both of these conditions are necessary in the interest of the living conditions of future occupants. I have imposed a condition on the provision of secure cycle storage in order to facilitate travel choice. Finally, I have imposed a condition requiring the implementation of flooding mitigation measures prior to occupation to provide adequate protection against flooding.
18. I have amended the Council's suggested wording to remove superfluous wording relating to the reasons for the conditions. I have also made other minor amendments to a number of conditions in the interests of clarity, precision and consistency.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 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: 2017-14/L01 rev A; 2017-14/E01; 2017-14/S01 rev A and 2017-14/P01 rev A.
- 3) No meter boxes and letterboxes shall be located on the front elevation of the building without the prior written approval of their location by the local planning authority.
- 4) No development shall take place until details of a sound attenuation scheme for the premises between the ground and first floors shall have

been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of the flats hereby approved and shall be retained thereafter.

- 5) The flats hereby approved shall not be occupied until secure cycle parking facilities have been provided in accordance with the approved plans. The cycle parking shall subsequently be retained thereafter for such uses only.
- 6) The flats hereby approved shall not be occupied until provision has been made for the secure storage of refuse in accordance with the approved plans. This provision shall be retained thereafter in accordance with the approved plans.
- 7) The development hereby approved shall be carried out in accordance with the details of Flood Risk Assessment (FRA) by Piercy Design, referenced DMP/ALG/2017-14 and dated 19 April 2017 and the following mitigation measures detailed within the FRA:
 - a. Finished ground floor levels shall be set no lower than the existing building, at 2.5m AOD, which is indicated as 300mm above average road level;
 - b. Flood proofing shall be provided to a minimum level of 900mm above the finished floor level, using methods recommended in the FRA;
 - c. Identification and provision of a place of safety above 5m AOD.

The mitigation measures shall be fully implemented prior to occupation and shall be retained thereafter.

Schedule ends.