



Appeal Decision

Site visit made on 3 July 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/W1850/W/19/3226559

21 The Maltings, Dormington, Hereford HR1 4FA

- 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 Edwin Wilson against the decision of the County of Herefordshire District Council.
 - The application Ref 180403, dated 30 December 2018, was refused by notice dated 4 February 2019.
 - The development is residential use in converted former car port building conditioned as proposed and to retain the works specified to be removed by enforcement notice EN/2017/002562/ZZ such that the notice becomes superseded.
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Decision

1. The appeal is allowed and planning permission is granted for residential use in converted former car port building conditioned as proposed and to retain the works specified to be removed by enforcement notice EN/2017/002562/ZZ such that the notice becomes superseded at 21 The Maltings, Dormington, Hereford HR1 4FA in accordance with the terms of the application, Ref 180403, dated 30 December 2018, subject to the conditions in the attached Annex.

Application for costs

2. An application for costs was made by Mr Edwin Wilson against the County of Herefordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the development on the amenities of neighbouring residents in respect of the convenience and accessibility for parking and manoeuvring vehicles and the safe use of the courtyard serving the cul-de-sac concerned, and on highway and pedestrian safety, having regard to the provision for parking and manoeuvring of vehicles.

Reasons

4. I saw that the development concerned has taken place other than the replacement of a narrow strip of existing grass verge with block paving to facilitate the two proposed external parking spaces. The conversion has taken up two former parking spaces within a car port. However, there remain two garage parking spaces, albeit that I saw that one of the spaces is currently used for storage of various items.

5. I have not been notified of any parking restrictions on the hardstanding serving Nos 21 to 23 The Maltings, such that cars would have been able to be parked on it prior to the development concerned having taken place. Nevertheless, I acknowledge that such a situation would be less likely with the car port in existence. Furthermore, it is evident from the submissions, including from neighbouring residents, that the existing situation can give rise to problems with manoeuvring vehicles, including service vehicles, relating to being able to access and egress in a forward gear and in terms of obstruction of the access and causing potential conflict with pedestrians associated with Nos 21 to 23.
6. Concerns have also been raised about the effects of a business use operating from No 21 in terms of generating additional vehicles and associated parking and manoeuvring problems and I note the photographic evidence provided by neighbouring residents in this respect. However, I have received insufficient substantive evidence that any such business is operating at such an intensity as to require planning permission or that it generates a material increase in vehicle movements and demand for parking.
7. The proposal would ensure that a total of four car parking spaces are retained on the site to serve both the main dwelling at No 21 and the converted accommodation comprising that which is the subject of the appeal and that adjacent to it combining to provide a two bedroom self-contained unit. In terms of the number of spaces alone, I have received no substantive evidence to indicate that this would be insufficient to serve that total amount of accommodation.
8. I acknowledge the concerns raised about the adequacy of such provision to enable vehicles to enter and leave the site in a forward gear, including service vehicles. However, the proposed two external parking spaces would be positioned closer to the front of No 21 than the existing hardstanding thereby allowing manoeuvring space within the site and sufficient space for vehicular access and egress from the site to the highway. It would also allow appropriate access to the parking areas for the other properties in the cul-de-sac. I have received insufficient substantive evidence to the contrary, to demonstrate that the situation would be materially different to that prior to the conversion, albeit that the width of manoeuvring space would be less than is existing when there are no cars parked in the courtyard.
9. The original planning permission relating to the construction of the houses comprising Nos 21 to 23 included a condition requiring the permanent retention of the parking provision shown on the plans. I have not received the full details of that original proposal to be clear that such a condition related to the existing garages. Nevertheless, in light of the greater reliance on those spaces to meet the necessary parking levels relating to the development at hand, it would be reasonable and enforceable to secure by condition that those spaces are not only retained but kept available for the parking of two cars.
10. I note the concerns relating to use of the grass verge at the front of this cul-de-sac for the parking of vehicles and scope for obstructing the visibility of drivers exiting the site and pedestrians crossing the road to reach the nearby bus stop. However, I have insufficient substantive basis to consider this to be a common situation, and I did not observe any clear wear and tear of the verge to indicate otherwise. Nevertheless, the proposed alterations relating to the

two proposed external parking spaces, together with the availability of the existing garage spaces would be likely to prevent the need for such parking.

11. I also note that the Council's Transportation Manager raises no objection to the proposals on the basis of the four parking spaces being provided and with adequate provision for turning space within the boundaries of the property. I have insufficient substantive basis to consider otherwise.
12. For the above reasons, the development, with the two external parking spaces completed, would not cause unacceptable harm to the amenities of neighbouring residents in respect of the convenience and accessibility for parking and manoeuvring vehicles and the safe use of the courtyard serving the cul-de-sac concerned, and would be unlikely to pose a risk to highway and pedestrian safety, having regard to the provision for parking and manoeuvring of vehicles. As such, in respect of these issues it would accord with policies SD1 and MT1 of the Herefordshire Local Plan Core Strategy which together, amongst other things, require development proposals to safeguard residential amenity for existing residents; create safe and accessible environments; and ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space and provide safe access for the emergency services.

Other matters

13. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the Grade II listed building comprising Dormington Court and the Grade II* listed Church of St. Peter (the LBs). The site backs on to the approach driveway to the former of these. However, the works relating to the appeal scheme face away from that driveway and are not clearly visible from it or seen in the same visual context as the LB. The latter of the LBs is further separated from the site with the works concerned again not clearly seen in the same visual context. In respect of concerns about harmful visual effects on the setting of the LBs from cars parked on the verges or footways outside of the site, I have insufficient evidence to indicate the extent to which that is the case. In any case, the proposed total parking arrangements would be likely to mitigate this. I am therefore satisfied that the development would preserve the setting of the LBs.
14. In respect of the character and appearance of the surrounding area generally, although the external conversion works break the degree of uniformity in that row of buildings on that side of the courtyard, they are modest in scale and not dominating features. Furthermore, the proposed addition to the hard surfacing to create the two external parking spaces would remove only a relatively narrow strip of the existing verge so as not to materially detract from the character and appearance of that courtyard area. Any vehicles parked in those spaces would also still be set away from the front elevation of the dwelling so as not to give a cramped appearance. I have no substantive basis to consider that the number of vehicles related to the site would be such as to cause visual harm when either parked or being manoeuvred in the courtyard area.
15. I have had regard to concerns about the privacy of other residents using the courtyard due to overlooking from the dormer window concerned. However, prior to that dormer or the converted car port being in place, that courtyard area would already have had windows facing on to it. It is therefore unlikely

that the development would materially add to such potential overlooking so as to cause harmful loss of privacy.

16. In respect of environmental concerns, particularly related to increased discharge into the local sewer, I have received no substantive evidence to indicate that there would be a material impact in this respect.

Conditions

17. The Council has suggested six conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and amended some of the wording, amalgamated two and omitted one.
18. In the interests of the amenities of residents occupying properties relating to the cul-de-sac concerned in respect of the convenience and accessibility for parking and manoeuvring vehicles and the safe use of the courtyard, and in respect of highway and pedestrian safety, conditions would be necessary to restrict the use of the development concerned to occupation ancillary to the main dwelling at No 21; to ensure that the double garage is made and kept available for parking; and that the external parking spaces are implemented and retained for parking in accordance with the approved site layout plan. In respect of the latter, the submitted plan shows that the surfacing would match the existing and no substantive reason has been provided to indicate the need for any other details to be firstly approved. The suggested condition 3 would therefore not be necessary. It would also be unnecessary and unreasonable to stipulate that the remaining courtyard shall be kept clear at all times as that would be difficult to define, given its use for manoeuvring, including in respect of enforcement. The remaining conditions would in any case provide the means of control in addressing the main issues.
19. In the above interests and also that of the character and appearance of the surrounding area and setting of the LBs, a condition to remove permitted development rights relating to any extensions or additions to the building concerned would be necessary and reasonable.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

Annex- Conditions

1. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 The Maltings, Dormington, Herefordshire HR1 4FA (the main dwelling). The ancillary accommodation and the main dwelling shall not be sold, leased or let separately from each other.
2. Within one month of the date of this decision the existing double garage shown on Dwg no. 1126/004 rev D shall be made available for use for the garaging of private motor vehicles and the garages shall at no time be converted or used for any other purpose in perpetuity.
3. Within six months of the date of this permission the parking spaces labelled as Nos 1 and 2 on plan dwg no. 1126/004 rev D shall be laid out in accordance with the details shown on that plan and properly consolidated, surfaced and drained. Thereafter, those spaces shall be maintained as such and not be used for any purpose other than the parking of vehicles.
4. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1, Schedule 2 of that Order shall be carried out.