



Appeal Decision

Site visit made on 22 July 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/A1015/W/19/3228280

Garage, New Queen Street, Newbold, Chesterfield, S41 7ET

- 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 Cosimo De Girolamo against the decision of Chesterfield Borough Council.
 - The application Ref CHE/18/00772/FUL, dated 28 September 2018, was refused by notice dated 12 March 2019.
 - The development proposed is to renovate a building into a community café by day and pizzeria in the evenings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the development on the living conditions of nearby residents with regards to car parking, and the effect on highway safety.

Reasons for the Recommendation

4. The appeal site comprises a single-storey building located in New Queen Street, Chesterfield. The surrounding area comprises residential properties to the north and west of the appeal site, with retail and commercial units along Newbold Road to the south. The proposed development would see the change of use of the building from a garage/storage unit (Use Class B8) to a community café and pizzeria (Use Class A3) with alterations to the front elevation. The original application is for the café/pizzeria with a maximum of 75 covers.
 5. There are no off-road parking facilities at the appeal site meaning that any parking associated with the proposed use by staff and customers would need to take place on surrounding roads. Very few properties in the area have off-street parking and the streets around the appeal site are subject to permit-restricted on-street parking, although the restrictions are only in force from 08:00 until either 18:00 or 20:00 and some of the spaces allow public parking for a maximum of two hours. The Council car park to the rear of the appeal site provides off-street parking for only approximately 15-20 cars for a maximum of
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- three hours and is shared by users of the shops on Newbold Road and local residents.
6. The proposed development would generate a significant additional demand on car parking spaces in an area with limited car parking capacity, particularly outside the times when the parking permit restrictions are in force which is when there is the greatest demand for residential parking. Whilst the appellant's aim would be to attract local people to the café/pizzeria, it is impossible to rule out the potential for customers from further afield to visit the café/pizzeria, causing further demand for parking spaces. The increased demand for parking spaces would have a significant adverse effect on the living conditions of local residents with regard to car parking, as it would prevent residents from being able to park outside or close to their homes. Furthermore, the indiscriminate parking and congestion that would result from the proposed use would have a harmful effect on highway safety.
 7. Even if the proposal was amended so that the café/pizzeria served a maximum of 45 covers as suggested by the appellant in the appeal process, I am not persuaded that this reduction would sufficiently reduce the impact on parking in the area and the subsequent harm to highway safety and the living conditions of the neighbouring residents. Furthermore, I am not persuaded that a condition to restrict the use in this way would be enforceable.
 8. I accept that the proposal would renovate and bring back to life an unused building that does not currently contribute positively to the appearance of the street, and that the proposal would provide employment. I understand that a local restaurant has recently closed and, while there are other establishments for eating and drinking in the locality, I acknowledge that the proposed use could be a benefit to the local community. However, these benefits do not outweigh the harm that has been identified.
 9. I have noted the appellant's contention that a two-hour limit on parking in the car park at the rear could free up space for customers. It seems to me that such an arrangement would prejudice those who currently park on the land but in any event as the land is not owned by the appellant, and moreover, as the Council has not indicated their willingness to such a proposal, the matter cannot be controlled by planning condition. Accordingly, this matter carries no weight in my determination of the appeal.
 10. For the reasons given above, I consider that the proposed extension would cause material harm to the living conditions of local residents with regards to car parking and to highway safety. The proposal would be contrary to Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan Core Strategy which seek to ensure that a proposed development is suitable for its location, and that a development does not cause harm to the area or neighbouring residents.

Other Matter

11. Other than the proposed alterations to the front elevation of the property there are no details of the proposed conversion before me including any details of windows, including rooflights, to the rear of the premises or details of extraction/ventilation equipment. Given that the building is of a lower height than the surrounding residential properties I share the Council's concern about the impact of the proposed use on the neighbouring occupiers in terms of noise

and smell. However, as I am dismissing the appeal for other matters, this issue has not in itself been decisive.

Recommendation

12. For the reasons given above and having had regard to all other matters raised including the representations in support of the proposal, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR