

Appeal Decision

Site visit made on 5 July 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 14th October 2019

Appeal Ref: APP/W1715/W/19/3224017

Land adjacent to No. 9 Saddlers Close, Eastleigh SO50 4SB

- 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 the Cranbury Investment Company Ltd against the decision of Eastleigh Borough Council.
 - The application, Ref. F/18/83045, dated 25 April 2018, was refused by notice dated 6 September 2018.
 - The development proposed is the erection of a pair of semi-detached dwellings, associated access, landscaping and garaging.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the availability of parking for local residents and any consequential impacts as regards highway safety and residential amenity. However, having both seen the appeal site and the Close as a whole and had regard to the views of local residents on the application, I consider that the effect of any revised parking arrangements on visual amenity is also a consideration.

Reasons

3. The Council's concern is that as a result of the development the parking demand would increase as a result of the extra dwellings, whilst at the same time the supply would decrease. This would be because of the displacement of existing informal provision on the rectangular gravelled area in the south east corner of the Close.
 4. It is also considered that the outcome of the alleged resultant shortfall in parking availability from the erection of two houses on a substantial part of this corner area, referred to by the Council as a 'parking court', would be inconsiderate and obstructive parking within the Close and possibly also in nearby roads. This in turn would adversely affect highway safety.
 5. The parking court was shown on the approved layout for the 1979 permission for the original development of Saddlers Close and also on the drawings for the 1981 approval relating to new garages for Nos. 6 to 8. This included a layout for the spaces associated with Nos. 9-14 although these were never formally laid out and there are no conditions requiring their retention. On this basis it is
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argued for the appellant that the current proposals should be determined on their merits and neither assessed against, nor tied by, this historic position.

6. Whilst I agree that in itself the 1979 and 1981 parking arrangements should not in themselves be determinative in this appeal, it is also my view that they should carry substantial weight. They were derived from the overall concept of the Saddlers Close development that appears to intentionally concentrate the spaces for Nos. 9-14 in an area where they would be still be accessible but more discreet and at the same time have the benefit of not impinging on the outlook from either the terrace of Nos. 9-14, nor indeed the block opposite of Nos. 6-8.
7. This allowed the provision of the amenity area with a large tree and grass which still remain and from the representations by residents on the appeal application is highly valued. It is this layout and its spatial balance between the functional and amenity aspects of the Close that most of the residents will have no doubt had regard to before taking up residence.
8. In particular, I agree with the Council's view that the provision of parking spaces Nos. 5 & 6 would erode some of the visual amenity area and note that this effect of the scheme is specifically objected to by at least one resident. I have referred to this in broad terms in paragraph 2 above. And whilst the officers' report concludes that on its own this would not be sufficient to justify a refusal of permission, I consider that in assessing the overall planning balance of the appeal scheme it is a factor that weighs against allowing the appeal.
9. Returning to the matter of parking displacement and provision, ostensibly, the development of two additional family sized dwellings with their additional parking requirements on an area that is already used for existing residents' parking is counter intuitive. The appellant's approach has been to assess existing demand and make proposals to both supplement and re-arrange the present supply having regard to the Borough's parking standards. Whilst the principle of this approach is logical, I am of the view that any alternative arrangement to a parking provision relied on by residents for almost four decades must clearly demonstrate in practical terms its fitness for purpose.
10. The Council's position as set out in its appeal statement, and on a basis which I accept is reasonable, is that under the Council's adopted parking standards in its Residential Parking Standards SPD 2009 there are 14 spaces required for existing residents at Nos. 6-14 and parking is currently available to meet this requirement. The appeal scheme proposed 2 allocated spaces per dwelling immediately to their front with the fifth space allocated for visitor parking to the two new dwellings.
11. Whilst this accords with the SPD for the new buildings, the effect would be to reduce the parking for existing residents to 10 spaces. And with 4 of these spaces in private garages and a carport, only 6 would remain on a shared basis for Nos. 9-14 and the additional provision under the SPD for Nos. 6-8. I agree with the Council's conclusion that this revised parking arrangement would be below both the SPD requirement and the existing available provision. As such I consider that it would be unacceptable, as it would significantly disadvantage existing residents and be likely to cause the problems referred to in paragraph 4 above.

12. Following the officers' report and subsequent refusal of permission, the appellant has suggested possible amendments to the parking arrangement for my consideration. One suggestion would include 3 unallocated spaces to the front of the two new houses, whilst a second proposal would result in all 5 of the spaces in this position having this status. Both schemes would additionally include the spaces for Nos. 9-14 being formally allocated at a ratio of 1 space per dwelling.
13. However, neither of these proposals would appear to result in a level of provision that would meet the notional demand for spaces under the SPD and avoid causing additional problems. As a matter of common sense it is clear that unless there is clear evidence of spare capacity including at times of maximum parking demand, the increase in unallocated spaces causes parking stress for prospective users. It is even more certain that unallocated parking spaces in close proximity to the living rooms and main bedrooms of the two new dwellings would have a propensity to cause noise nuisance (and during the hours of darkness, headlight disturbance) to the occupiers on a regular basis. Nor do I consider that any landscaping plan required under a condition could provide adequate mitigation.
14. As regards the overall thrust of the appellant's case, it is argued that the Council's Parking Standards SPD is now a decade old and was based on 2001 data relating to car ownership. Given the increase in car use since then this does not appear to be a strong argument. Be that as it may, in order to present a more up to date picture and take into account local circumstances three parking surveys have been undertaken and the capacity of nearby roads to provide additional parking examined.
15. The surveys found that 12-13 vehicles were parked overnight on the appeal site and in front of Nos. 9-14, and that up to 5 of these could be explained as being unrepresentative of normal parking demand. On the other hand there was capacity for 28 vehicles to park within 160m walking distance, and balancing these figures of supply and demand there would be more than sufficient to make up the appellant's view of the 'minor shortfall' in terms of the SPD standard.
16. However, I share the Council's doubts as to whether the parking surveys support the case for an approval. There are uncertainties as regards the five discounted vehicles and in respect of the use of the garages, whilst the visitor layby opposite No. 5 is intended for all residents of the Close. There was also evidence that the nearest road for overflow parking, Lewes Close, was subject to parking pressure and inconsiderate parking and both this and Bosville are considered to be at an inconvenient distance. I am therefore minded to agree with the Council's observation that in reality residents would seek to park as close as possible to their homes and especially in Saddlers Close where existing occupiers are already accustomed to the convenience of so doing. As a consequence, the increased demand for spaces as a result of the development would be likely to result in busier periods in inconsiderate and obstructive parking.
17. In this context, I have noted the observations and views of a third party objector residing at No. 8 Saddlers Close. These include his comment that '*At the moment the parking area can just about cope with residents' vehicles, it is*

frequently full to capacity especially at weekends when everyone is at home'. He additionally says 'I currently have a garage which as with most single garages it doesn't fit a modern car very well. I park in front of it and fear that the adjacent parking provided for the new proposed houses will make this space unusable so probably will add to the problems'. Although purely anecdotal, I have no reason to dispute the accuracy of these comments which appear to generally support the Council's position and confirm my own assessments on my visit to the appeal site and its surroundings.

18. Taking all these points together and balancing the arguments, on the main issue, I consider that the appeal proposal would result in unacceptable parking arrangements for both existing and proposed residents. There would be some loss of visual amenity through the provision of two additional parking spaces (Nos. 5 & 6), whilst dependent on the particular parking arrangement chosen, there could also be the potential for noise and disturbance from the use of unallocated spaces to the front of the new dwellings.
19. Accordingly, there would be unacceptable conflict with Saved Policies 59.BE & 104.T of the Eastleigh Borough Local Plan Review 2001-2011 adopted in 2006 and paragraphs 109 & 127f) of the National Planning Policy Framework 2019 ('the Framework'). I see no need to refer to the other policies on which comment was made as to their applicability.

Other Matter

20. The appellant refers to the advantages of two additional dwellings in a sustainable location and argue, correctly in my view, that such social and economic benefits are one of the central tenets of the Framework. I acknowledge this would be a favourable aspect of the appeal scheme and even in a situation where the Council can demonstrate its required 5 year supply the opportunity for a windfall contribution clearly merits some weight. However, for the reasons explained I do not consider this to be sufficient to overcome the disadvantages of the proposal and the resultant conflict with local and national policy.

Conclusion

21. For the reasons explained and having had regard to all other matters raised the appeal is dismissed.

Martin Andrews

INSPECTOR