The Planning Inspectorate

# Appeal Decision

Site visit made on 3 December 2019

**by A Denby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27th December 2019**

**Appeal Ref: APP/P1940/D/19/3232746**
**37 Bateson Drive, Leavesden, WD25 7ND**

- 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 M Ali against the decision of Three Rivers District Council.
- The application Ref: 19/0706/FUL, dated 15 April 2019, was refused by notice dated 19 June 2019.
- The development proposed is conversion of garage into a living room and installing a window at the front.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposal makes adequate provision for parking off-road, and the effects on highway safety and the character and appearance of the area.

## Reasons

3. The appeal site is a 3-storey semi-detached property with an attached single storey garage set back from the highway. To the front of the garage there is an area of hardstanding and there is a small garden area to the front of the dwelling. Bateson Drive appeared on my site visit to be well used by vehicular traffic and a main pedestrian route from nearby residential properties to the local shops and facilities.

4. The proposal is for the conversion of the existing garage which, from the evidence before me and my observations on site, appears to be of a size that could accommodate the garaging of a motor vehicle. I note the Council, in this regard, also consider the garage to be suitable and that it forms part of the site's overall parking provision, and the appellant has not disagreed with this.

5. The proposals would therefore result in the loss of one existing on-site parking space with just one parking space remaining available within the site. Appendix 5 of the Three Rivers District Council Development Management Policies Local Development Document, 2013 (DMPLDD) requires that 3-bedroom properties should provide 2 parking spaces. The proposal would therefore not accord with the Council's parking standards.

6. I saw on my site visit that there are high levels of demand for on-street parking in the vicinity of the site. Although there are unallocated on-street

parking bays available, I saw that these offer limited parking provision and were fully occupied. Due to the restricted width of the road, any vehicles parking wholly on the carriageway would obstruct one lane and result in only single file traffic being able to pass, impeding the free flow of traffic.

7. The majority of vehicles I saw parked on-street were parked inappropriately, half on the footpath and a number were also parked on double yellow lines. Whilst this type of parking may permit two vehicles to pass on the highway it often blocks the footpath, leaving little or no room for pedestrians, particularly those with pushchairs or in wheelchairs to pass. In some instances, pedestrians would be forced on to the road in order to be able to pass the parked vehicles. It can also restrict visibility for vehicles at junctions or entering-exiting driveways. This could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.

8. Policy CP12 of the Three Rivers District Council Core Strategy, 2011 (CS) requires development to achieve a high standard of design, and in relation to car parking this means ensuring it does not dominate the development or its surroundings. The car parking at the site and to properties in the surrounding area is generally to the side and front of the dwellings or within a rear parking court. In addition, as detailed above there is also some on-street parking provision within parking bays.

9. Parked cars are therefore not an alien feature within the street scene, however due to landscaping to individual plots, the location and relatively small size of on-street parking bays, they are not a dominant feature of the street scene. This is not the case with vehicles parked outside of these designated spaces, due to the restricted width of the road, vehicles parked on-street are visually more dominant, and this detracts from the layout and design of the surrounding area. It is however acknowledged that the alterations to the front elevation of the garage would be in keeping with the existing property and have little impact on the overall character and appearance of the site or surrounding area.

10. The proposal would make inadequate on-site parking provision and exacerbate the existing demand for on-street parking which would harm highway and pedestrian safety and the character and appearance of the surrounding area in the manner I have described it. The Council's decision notice refers to the proposals having a detrimental impact on residential amenity though no evidence has been put forward in this regard. While I acknowledge that on-street parking can affect living conditions, from the evidence before me, I am not convinced that there would be any unacceptable impact in this case.

11. Therefore, for the reasons stated the development would be contrary to CS Policies CP10 and CP12 which require development to demonstrate that it makes adequate provision for car parking, achieving a high-standard of design, providing convenient, safe and visually attractive areas for the parking of vehicles without dominating the development or its surroundings. It would also conflict with Policy DM13 of the DMPLDD which requires new development to make provision for parking in accordance with the parking standards contained within the document.

12. The appellant considers the reduction in parking supports and promotes sustainable green travel and encourages increased use of public transport. They also state that they only require one parking space as they utilise public

transport. Whilst I am mindful of this there is little evidence before me to determine that this would always remain the case in the future. Furthermore, I am not satisfied that the accessibility of the site means that future occupants of the proposed dwelling would not require access to a car.

13. I note that the CS in Policy CP1 and the National Planning Policy Framework (the Framework) emphasise the need to promote sustainable transport. However, Policies within the CS and the Framework are also clear that development should make appropriate provision for parking and create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards. The Council's decision refers to Policy DM1 of the DMPLDD but this concerns new residential development and sub-division of dwellings. Overall, I do not consider any benefits of the proposal would be sufficient to outweigh the harm I have identified above, and the proposals would not accord with the Development Plan or Framework when taken as a whole.

**Other Matters**

14. The appellant has drawn my attention to other properties in the area where they state planning permission has been granted for conversion of the garage to habitable accommodation. I saw on my site visit that, whilst most of the properties actually still retain their garages at present, the majority would have space within their respective site boundaries to accommodate at least 2 vehicles. Furthermore, there did not appear to be the same demand for on-road parking as that which I saw in the vicinity of the appeal site. I therefore do not consider those sites are directly comparable. In any case, proposals are considered on their individual merits.

15. It is acknowledged that pre-application advice may have been provided, though this was only verbal and there is little in the evidence before me as to the details that were provided or discussed between the parties as part of that process. However, the Council is not bound by such informal advice in writing or otherwise. That the property was purchased on the basis of such verbal, informal advice is not a matter for me to consider as part of this appeal. Therefore, having considered the appeal on its merits these other matters do not, therefore, lead me to a different conclusion.

**Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*A Denby*

INSPECTOR