



Appeal Decision

Site visit made on 7 July 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/R3325/W/20/3247257

41 Percy Road, Yeovil BA21 5AJ

- 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 RPS Asset Management Ltd against the decision of South Somerset District Council.
 - The application Ref 19/02080/FUL, dated 23 July 2019, was refused by notice dated 6 December 2019.
 - The development proposed is the change of use of existing dwelling into a HMO, the erection of a new dwelling and conversion of existing garage into a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of existing dwelling into a HMO, the erection of a new dwelling and conversion of existing garage into a new dwelling at 41 Percy Road, Yeovil BA21 5AJ in accordance with the terms of the application, Ref 19/02080/FUL, dated 23 July 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Dominic Macer (RPS Asset Management Ltd) against South Somerset District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The above description has been taken from the submitted appeal form and the Council's decision notice. This description more clearly and succinctly describes the appeal proposal than that on the application form. The appeal has been determined on this basis.

Main Issue

4. The main issue is whether the proposed development includes an appropriate provision of on-site parking spaces.

Reasons

5. Percy Road is a dense residential street primarily comprising of terrace and semi-detached dwellings. The appeal site is located midway along Percy Road and currently has a large detached dwelling and some outbuildings in the rear garden, formerly used as part of a commercial motor repair business. The appeal site forms a distinct gap in the current built form and pattern of development along Percy Road.

6. The appeal proposal would make efficient use of the existing buildings on the appeal site and would consolidate the built form across the frontage of the site to form a cohesive progression of the predominant street scene along Percy Road. The existing dwelling would be converted into a six bedroom house in multiple occupation (HMO), the outbuildings in the rear garden would be converted into a single storey one bedroom dwelling, and a new three bedroom end of terrace dwelling would be erected adjoining 37 Percy Road. A total of six on-site parking spaces would be provided to serve the development, with three spaces intended to be allocated to the HMO, two spaces to the three bedroom dwelling and one space for the single bedroom dwelling. The HMO would also benefit from secure cycle storage for up to six bicycles.
7. Policy TA6 of the South Somerset Local Plan (adopted March 2015) states that the provision of parking spaces should be design-led, taking into account site characteristics, location and accessibility. However, it also refers to the Somerset County Council Parking Strategy (the Parking Strategy) which applies to this site. The Parking Strategy offers clear parking standards for dwelling houses, and as such the proposed development meets the minimum on-site parking requirements for both the one bedroom and three bedroom dwellings proposed. The Parking Strategy does not however detail standards for HMO development.
8. The Council have taken the view that the parking rate for a one bedroom dwelling should be applied to the HMO, equating to a total of six parking spaces being required for the proposed HMO alone. The Highway Authority however have applied a more balanced view suggesting that the parking rate for a four bedroom dwelling, which only requires three car parking spaces, would be more comparable to the proposed HMO. The proposed HMO would therefore be served by an appropriate number of parking spaces to meet the likely level of car dependency of those future occupants.
9. Even if the higher parking rate were applied and the proposal subsequently resulted in a parking shortfall, the appeal site is sustainably located within close walking distance to local facilities and public transport services. The full provision of six secure cycle storage spaces further encourages the take up of more sustainable modes of transport over private vehicles for the future HMO occupants. Both Policy TA6 and the Parking Strategy clearly support a reduction in parking provision where development is well located to take advantage of more sustainable and active means of transport.
10. Whilst there is evidence of significant on-street parking along Percy Road I did not observe any specific parking restrictions that would prevent people from parking along the street. I also observed regular opportunities for on-street parking along Percy Road and throughout neighbouring streets in reasonable walking distance to the appeal site. As such I am not convinced that if on-street parking were to occur as a result of the proposed development that it would necessarily be detrimental to the function of the highway network, the living conditions of future occupants in terms of the travel distance from their car and the appeal site, nor generate unacceptable levels of noise or disturbance that would harm the living conditions of occupants in the area.
11. I am therefore satisfied that the proposed development has been designed to meet the likely demand from future occupants for on-site car parking, balancing the sustainable location of the appeal site to local facilities, public

transport, provision of cycle storage and the availability of on-street parking in the surrounding area. Accordingly, the proposed development includes an appropriate provision of on-site parking spaces and would comply with Policies EQ2 and TA6 of the South Somerset LP. Collectively, these policies seek, amongst other things, to ensure new development is designed to a high quality and has appropriate provision of parking with regard to site characteristics, location and accessibility.

Other Matters

12. I note concerns raised by interested parties regarding the proposed dwelling in the rear garden representing overdevelopment and effecting the level of privacy experienced by neighbouring occupants. However, the appeal proposal would make efficient use of the existing built form on the site and improve the overall visual appearance of the property. I am therefore satisfied that the rear garden dwelling would not appear harmful in this regard. With respect to the suggested loss of privacy, direct views would largely be obscured based on the single storey nature of the proposal, distance between neighbouring dwellings, location of proposed windows and the height and design of proposed boundary treatments. I am therefore satisfied that the proposal would not amount to harm in this respect.
13. Concerns regarding the potential noise and disturbance generated by the HMO, and subsequent safety concerns are addressed through separate legislative standards and processes. Notwithstanding this, the proposed HMO is a detached dwelling and would not in my view generate significantly more noise or disturbance than a large family home in this instance. I note concerns regarding disturbance resulting from construction traffic. Whilst some disturbance will inherently result from construction activities it would only be for a temporary period. Appropriate conditions limiting on-site construction activities and implementing mitigation measures during construction can be addressed by conditions. No evidence has been provided with regard to the suggested well in the rear garden of the appeal site. Nevertheless, such matters would appropriately be addressed through the construction phase and any subsequent building control.

Conditions

14. In allowing the appeal development I have had regard to the conditions suggested by the Council, of which the appellant has had the opportunity to comment on. Where necessary I have amended the wording of the suggested conditions in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance (PPG) and the National Planning Policy Framework.
15. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. Conditions requiring details of the external building materials and boundary treatments to be submitted to the Council for approval are considered necessary given the level of detail shown on the approved plans. Likewise, conditions relating to the submission of hard and soft landscaping details, with particular regard to the Plot 3 dwelling having a flat green roof.

16. The construction hours and method statement conditions suggested by the Council's Environmental Health Officers are considered reasonable and necessary to safeguard the living conditions of neighbouring occupants during the construction phases of the development.
17. The highways conditions suggested by the Highways Authority and Council with regards to laying out and paving of parking spaces prior to occupation, surface water drainage, installation of electric vehicle charging points, provision of cycle storage, the installation of gates within the site opening inwards, and the maintenance of clear visibility lines exiting the site are all considered necessary in the interest of highway safety and sustainable transport objectives. I have also included a condition to ensure that the parking spaces are allocated to each building and its occupants as shown on the approved plans of development. The suggested condition relating to the effect of construction traffic on the condition of the public highway network is not considered necessary and has therefore not been included.

Conclusion

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

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: Site Location & Block Plans (Dwg No A801_00, dated 31/04/2016); Existing and Proposed Roof Plans (Dwg No A801_01, dated 23/05/2019); Existing & Proposed Block Plans – PLOTS 1-3 (Dwg No A801_02, dated 23/05/2019); Existing Floor Plans – PLOT 1 (Dwg No A801_03, dated 23/05/2019); Proposed Floor Plans – PLOT 1 (Dwg No A801_04, dated 23/05/2019); Existing & Proposed North West Elevation (Dwg No A801_05, dated 22/05/2019); Existing & Proposed North East Elevation (Dwg No A801_06, dated 22/05/2019); Existing & Proposed South East Elevations (Dwg No A801_07, dated 22/05/2019); Existing & Proposed South West Elevations (Dwg No A801_08, dated 22/05/2019); Existing & Proposed Floor Plans – PLOT 2 (Dwg No A801_09, dated 22/05/2019); Existing & Proposed Elevations PLOT 2 (Dwg No A801_10, dated 22/05/2019); Existing & Proposed Floor Plans – PLOT 3 (Dwg No A801_11, dated 22/05/2019).
- 3) No building operations above damp proof course level of the dwellings hereby permitted shall take place until details of the materials to be used in the construction of the external surfaces (including doors, windows, stonework, render, brick, roof finish and the like) of the dwellings 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.
- 4) No work shall be carried out to erect any boundary treatments for the development hereby permitted until details of the boundary treatments (including walls, fences, railings, gates, gateposts and the like) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details, and retained and maintained thereafter.
- 5) The development hereby permitted shall not be occupied until a hard and soft landscaping scheme, including details for the proposed green roof for the Plot 3 dwelling, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out no later than the first planting season following the occupation of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Demolition, clearance or construction works that generate audible noise at the boundary of any noise sensitive dwelling shall take place only between the following hours:
 - between 08.00 and 18.00 Monday to Friday; and
 - between 08.00 and 13.00 on Saturday.Such works shall not take place at any time on Sundays, or on Bank or Public Holidays.
- 7) There shall be no burning of materials on site during any phase of the demolition, clearance and construction works.

- 8) Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration and the like, shall be included in the method statement. Details for the safe disposal of waste materials shall also be included. The development shall be carried out in accordance with the approved details.
- 9) Prior to first occupation of the development hereby permitted, car parking spaces and turning areas shall be laid out and paved in accordance with the approved plans of development and details to be submitted to and approved in writing by the Local Planning Authority. The parking spaces and turning areas shall be kept clear of obstruction at all times and not be used for any purpose other than for the parking and turning of vehicles respectively in connection with the development hereby permitted.
- 10) Prior to first occupation of the development hereby permitted, the car parking spaces shall be allocated to each building hereby permitted as shown on the approved plans of development for the exclusive use of those occupants and their visitors. They shall remain allocated as such thereafter.
- 11) Provision shall be made within the site for the disposal of surface water to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of the development hereby permitted and thereafter maintained at all times.
- 12) Prior to first occupation of the development hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each building adjacent to their designated parking spaces as shown on the approved plans. Once installed such charging points shall be retained and maintained in working order thereafter.
- 13) Prior to first occupation of the development hereby permitted, secure bicycle storage for six bicycles shall be provided for the HMO occupants in the location shown on the approved plans of development. The secure bicycle storage shall thereafter be kept available for the parking of bicycles.
- 14) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition.
- 15) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge (24m) either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

End of Schedule