



Appeal Decision

Site visit made on 15 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/P2635/W/20/3247017

12 Chancel Way, Burscough, Ormskirk L40 7AS

- 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 Robert Mitchell against the decision of West Lancashire Borough Council.
 - The application Ref 2019/1204/FUL dated 20 November 2019, was refused by notice dated 29 January 2020.
 - The development proposed is the change of use of the existing garage to a habitable room.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of the existing garage to a habitable room at 12 Chancel Way, Burscough, Ormskirk L40 7AS in accordance with the application Ref 2019/1204/FUL dated 20 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 plan: Change of Use of Garage to Habitable Room Sht 1 Drawing Number P13476.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

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 Issue

3. The main issue is the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons for the Recommendation

4. The appeal site is situated in a shared courtyard on Chancel Way and comprises a detached two storey dwelling with double internal garage. An area of hardstanding is positioned to the front of the dwelling to provide for off street parking and could

accommodate two cars. The proposal relates to the change of use of the garage to a habitable room.

5. While a floor plan for the entirety of the appeal property has not been provided, the Council has stated that it is a four bedroom property and the appellant has not raised any argument or evidence to the contrary. In accordance with Policy IF2 of the West Lancashire Local Plan 2012 – 2027 Development Plan Document, October 2013, residential dwellings with four or more bedrooms must provide a minimum of three spaces for car parking. However, those standards are not set in stone. The policy does provide some flexibility and states that proposals for less than that amount must be supported by evidence detailing the local circumstances including a number of specified factors.
6. As a result of the proposal the parking spaces provided by the current garage would be lost, and the appeal site would only benefit from the two car parking spaces in the area of hardstanding to the front of the property. I understand that the dwelling is occupied by the appellant and his wife and the two spaces on the driveway would be sufficient to meet their needs at the present time. However, planning runs with the land and I must also consider the potential way in which the dwelling could be occupied if the property was sold in future. Should a family with children of driving age reside there the number of cars may well exceed two, in which case the use would be likely to result in additional parking outside of the site. However, even in that scenario off site parking would be limited due to the small scale of the proposal.
7. The courtyard within which the appeal site is located appears wide and spacious. However, due to the positioning of houses on three sides, the parking of a car within this communal courtyard would create an obstruction. The vehicular accesses to the each of the properties within the courtyard would be compromised by any on-road parking within the communal space.
8. As such, it is more likely and logical that additional parking as a result of the proposal would occur on the vehicular highway at Chancel Way. This highway does not currently have any restrictions in place and appears wide and spacious with good visibility. While acknowledging that my visit represents a snapshot in time, only one car was parked along this road at the time. The appellant has stated that the road is used for parking at both the beginning and end of the school day at the nearby school but from the pictures submitted it is clear that even at these busy times parking spaces remain. Due to the presence of a balancing pond there are no dwellings on the opposite side of Chancel Way from the appeal site and that would limit competition for on-street parking in the immediate vicinity.
9. Due to the availability of spaces, the introduction of the limited parking arising as a result of the proposal in this location could be accommodated without increasing parking stress. The spacious nature of the road also ensures that there would be no unacceptable impact in terms of driver visibility or collision risk.
10. Accordingly, having regard to the nature of the proposed use and local circumstances, including the availability of off-street parking and the width of Chancel Way, the proposal would not lead to unacceptable impacts on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, there would be no conflict with the overarching aims of Policies GN3 and IF2 of the West Lancashire Local Plan 2012 – 2027 Development Plan Document, October 2013.

Conditions

11. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary in the interests of certainty. I have also imposed a condition which requires the materials to match the existing dwelling in order to safeguard the character and appearance of the area.

Conclusion and Recommendation

12. Having had regard to all matters raised, I recommend that the appeal should be allowed, and planning permission granted for the change of use of the existing garage to a habitable room at 12 Chancel Way, Burscough, Ormskirk L40 7AS in accordance with the application Ref 2019/1204/FUL dated 20 November 2019, subject to the conditions at paragraph 1 of this report.

C Rafferty

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, I agree that the appeal should be allowed and planning permission granted for the change of use of the existing garage to a habitable room at 12 Chancel Way, Burscough, Ormskirk L40 7AS in accordance with the application Ref 2019/1204/FUL dated 20 November 2019, subject to the conditions at paragraph 1 of this report.

C Preston

INSPECTOR