The Planning Inspectorate

Appeal Decision

Site visit made on 28 July 2020

by Nick Palmer BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/V2635/W/20/3244481
9 York Avenue, Hunstanton PE36 6BU

- 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 K O'Hara against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 19/00860/F, dated 13 May 2019, was refused by notice dated 7 October 2019.
- The development proposed is a dwelling following sub-division.

Decision

1. The appeal is allowed, and planning permission is granted for a dwelling following sub-division at 9 York Avenue, Hunstanton PE36 6BU in accordance with the terms of the application, Ref 19/00860/F, dated 13 May 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in the appeal is the effect of the development on highway safety.

Reasons

3. York Avenue is a residential street with mainly terraced and semi-detached houses along both sides that date from the late 19th or early 20th centuries. The houses have front gardens which are of limited depth and there are limited gaps between them. For the most part, the houses have no off-street parking provision. However, I noted that some of the front gardens have been hard surfaced to form car parking spaces. There are no parking restrictions and residents' parking takes place along both sides of the street. The footpaths are wider at both ends of the street, and these sections contain street trees.

4. The proposed dwelling would occupy a space between two terraces and near the western end of the street where there are wider sections of footway and street trees. The dwelling would have three bedrooms, requiring provision of two parking spaces under Policy DM17 of the Site Allocations and Development Management Policies[1] (SADMP). It is proposed to provide two on-street parking spaces on the opposite side of the road from the appeal site, by altering the kerbs and reducing the width of the footway.

[1] King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)

5. One of those parking spaces would be a short distance from a drive serving a garage. It is necessary to manoeuvre a vehicle within the highway to gain access to that drive because there is no off-street turning facility. Such manoeuvres would cause traffic to slow or halt. Vehicle speeds are likely to be low in any event because of the limited available width of the street between the parked cars on both sides. I saw on my visit that the space proposed for this parking space had a car parked on it and neighbours have also pointed out that this takes place.

6. Given that some visibility from the access would be maintained and that vehicle speeds would be expected to be low, I see no reason why this proposed parking space would unacceptably affect highway safety.

7. The other proposed parking space would use existing carriageway space in combination with part of the existing footpath. The submitted plan demonstrates that the result would be the creation of an additional parking space. For these reasons, the proposal would provide the requisite number of car parking spaces and would accord with Policy DM17 of the SADMP.

8. The site may be used for parking of a vehicle in association with the donor dwelling at present, but the Council is of the view that this cannot be guaranteed to remain the case because the site could be developed using permitted development rights. It is not part of the Council's case that additional parking provision is required to compensate for the loss of the existing space, but the highway authority has expressed concern in this respect.

9. While I acknowledge that concern, I also take into account the location of the site within an urban area with good accessibility to town centre facilities and public transport services. Policy DM17 allows for reductions in the level of parking provision in circumstances such as this.

10. I have considered the comments made by interested parties regarding parking on the street, including by visitors to the shop at the end of the street, and other visitors. For the reasons given I conclude that the development would not adversely affect highway safety. Policy CS11 of the Core Strategy[2] requires safe and convenient access. Policy DM15 of the SADMP requires safe access and adequate parking facilities. The proposal would accord with those policy requirements.

Other Matters

11. The site is within the Hunstanton Conservation Area (CA). The Council considers that the development would preserve the character of the CA, and I see no reason to take a different view.

Conditions

12. I have imposed the conditions suggested by the Council. I have added a further condition requiring provision of the two parking spaces before the dwelling is occupied and that their construction is in accordance with the Arboricultural Impact Assessment. This is necessary in the interest of highway safety, and to ensure that the street tree adjacent to one of the parking spaces is protected.

[2] King's Lynn & West Norfolk Core Strategy (2011)

13. A condition specifying the approved plans is necessary to provide certainty. Conditions requiring approval of facing and roofing materials and windows are necessary to ensure the development is visually acceptable and that it preserves or enhances the character or appearance of the CA. A condition requiring obscure glazing of the first-floor side window is necessary to ensure the neighbour's privacy.

Conclusion

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

Nick Palmer

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1835-10A and 1835-02A.

3) No development shall take place on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building hereby permitted has been erected on the site for the inspection and written approval of the local planning authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.

4) No development shall take place on any external surface of the development hereby permitted until samples of the proposed roof tiles have been left for inspection on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

5) No development over or above foundations shall take place until full details of the window style, reveal, cill and header treatment of all new windows and details of all new doors 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.

6) Before the first occupation of the dwelling hereby permitted, the window at first-floor on the side elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

7) Before the first occupation of the dwelling the two new parking spaces shown on drawing 1835-10A shall be constructed. The works shall be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan and Timetable for Protection Works in the submitted Arboricultural Impact Assessment by A.T Coombes Associates Ltd dated 12 September 2019.