



Appeal Decision

Site visit made on 20 July 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/A2470/W/20/3246694

Clipper Cottage, 15 Main Street, Lyddington LE15 9LR

- 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 Ms D Blount against the decision of Rutland Council.
 - The application Ref 2019/1204/FUL, dated 29 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is subdivision of property into two separate dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for subdivision of property into two separate dwellings at Clipper Cottage, 15 Main Street, Lyddington LE15 9LR in accordance with the terms of the application, Ref 2019/1204/FUL, dated 29 October 2019, subject to the following conditions:
 - 1) The development shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2153-2-700, 2153-2-701, 2153-2-702, and 2153-2-400.
 - 3) The following measures should be in place at all times when construction works associated with the development are taking place:
 - a) All materials to be stored off the ground (for example on pallets);
 - b) All spoil/waste materials to be removed from the site at the end of each working day (or stored in a skip);
 - c) All involved in the construction should be made aware of the possible presence of great crested newts and know what they look like.

Main Issue

2. The main issue is the effect of the proposal on highway safety having particular regard to parking.

Reasons

3. The appeal site comprises a semi-detached dwelling and detached outbuilding currently being used as garaging and a residential annexe. The appellant states that the main dwelling has 2 bedrooms and the outbuilding one bedroom and that the outbuilding contains a garage which provides off-street parking for

one vehicle. This has not been disputed by the Council. The appeal site fronts onto Main Street, the main road running through Lyddington and is near to the junction with Windmill Way. At the time of my visit I noted that there are no parking restrictions along Main Street near to the site and whilst a number of cars were parked along the road, there were numerous parking spaces available. However, I accept that parking demand will vary throughout the day.

4. The proposal to subdivide the appeal site into 2 dwellings would mean that the main dwelling at Clipper Cottage would not have any off-street parking facilities and the outbuilding would have one off-street parking space within the retained garage. The Council is concerned following an objection from the Highway Authority that the proposal would result in an increase in on-street parking in a location almost directly opposite Windmill Way and on the main bus route. Reference has been made by the Council in the reason for refusal to its adopted parking standards, citing the need for 2 car parking spaces for Clipper Cottage.
5. I note that the Council's parking standards form part of the Council's Site Allocations & Policies DPD adopted in October 2014 (SAP)¹. The standards are expressed in minimum terms and pre-date the most recent version of the National Planning Policy Framework (the Framework) dated February 2019. Paragraph 105 of the Framework refers to a number of matters to be taken into account if local parking standards are being set for residential development. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
6. It appears that the proposal would be in breach of the Council's adopted parking standards. However, there is no evidence to suggest that there is insufficient capacity to accommodate any additional on-street parking demand likely to be generated by the subdivision of the property and therefore that the breach of standards would be likely to result in an unacceptable impact on highway safety. This is notwithstanding that the appeal site is near to the junction with Windmill Way and on a main bus route. There is no increase to the size of the properties proposed and it therefore seems to me that any increase in on-street parking demand resulting from the proposal is unlikely to be so significant such that it could not safely be accommodated along the road.
7. Taking the above matters into consideration, I conclude that the proposal is unlikely to have an adverse impact on highway safety having particular regard to parking. It therefore accords with Policy SP15 of the SAP which, amongst other things, states that adequate parking facilities must be provided to serve the needs of the development. Although the proposal fails to meet the Council's adopted parking standards, this is not determinative in this case for the reasons set out above.

Other Matters

8. Clipper Cottage is a Grade II listed building and the appeal site is located in the Lyddington Conservation Area. The subdivision proposals include the erection of a 1.8 metre high close boarded timber fence and gates to the rear of the buildings. The Council granted listed building consent for the works in

¹ Rutland Local Plan Site Allocations & Policies Development Plan Document adopted October 2014

December 2019 and raises no objection to the proposal with regard to its impact on either the setting of the listed building or the conservation area. Having regard to the limited scale, the detailing and position of the proposed fence, I can see no reason to disagree with the Council's conclusion on these matters and am satisfied that the proposal would not adversely affect the setting of the listed building or the character or appearance of the conservation area.

Conditions

9. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition regarding good working practices on site having regard to the consultation response from the County Ecologist and the potential, albeit low, for Great Crested Newts to access the site. However, I have altered the wording of the suggested condition slightly in the interests of clarity, precision and necessity as some aspects of the suggested condition were vague and unclear.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR