



Appeal Decision

Site visit made on 18 August 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/Z2830/W/20/3249654

The Old Garage, rear of 25 High Street, Deanshanger, Buckinghamshire MK19 6HD

- 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 R Todd against the decision of South Northamptonshire Council.
 - The application Ref S/2019/1286/FUL, dated 21 June 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the change of use of a residential garage into a self-contained dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal address is described on the application form as 1 Boswell Lane. However, on the Council's decision notice (and the Appellants appeal form) it is referred to as a garage to the rear of 25 High Street. Given that the appeal form refers to the site as being at the rear of 25 High Street, I have also used this in the banner heading above to describe the site.
3. As noted in the application and appeal documentation, the development has already been carried out. Notwithstanding that, it is not necessary to refer to the retrospective nature of the proposal in the description of the development.
4. In addition to the above, since the determination of the application by the Council it has adopted the South Northamptonshire Part 2 Local Plan 2011-2029 (2020) (SNLP). The SNLP has superseded all of the policies in the South Northamptonshire Local Plan (1997). I have therefore determined the appeal with the newly adopted policies in mind.
5. That said, the Council have referred to Policy SDP1 of the SNLP in their statement. However, this policy is concerned with residential extensions and given the proposal before me I consider that this is not relevant to this appeal.

Main Issues

6. The main issues are:-
 - (i) whether the proposal provides for suitable living conditions for the occupants of the dwelling;

- (ii) the effect of the development on the living conditions of the occupiers of the adjoining residential properties with particular regard to privacy; and
- (iii) the effect of the development on highway safety.

Reasons

Living conditions – appeal dwelling

7. The appeal dwelling is part of a larger building at the bottom of the garden of the original host property, 25 High Street.
8. From what I observed at my site visit, the garage has already been 'converted' into residential accommodation. The submitted plan included an area of the ground floor annotated as a living area, which at the time of my site visit contained a bed, and various pieces of office equipment. This room does not have any windows and the only natural light available to it would be through the internal doorway. Additionally, light into this room would only be possible if the roller shutter garage door was also in its open position. The remaining ground floor area is shown on the plans as being for storage use and I observed some clothes being stored here. However, the Appellant has indicated that this is part of the living space and is incorrectly labelled on the submitted plan. Regardless of the use of this area, I saw that there is also a window looking out over the garden area to No.25.
9. The first-floor element was only accessible via a steep 'loft style' ladder staircase which opened up into a bedroom. The bedroom area itself is limited and included a double bed with little circulation space and was also constrained by the pitch of the roof. There was also a rooflight in the bedroom area which at the time of my visit had a card cover over it, albeit with two flaps which could allow some light into the bedroom and provide some limited views out of it. The first floor also includes a small shower room accessed off the bedroom.
10. From the submitted plans, and what I observed on site, the dwelling provides a very poor environment for its occupiers with very little natural light being available without the garage door being open. Furthermore, it is extremely cramped with little living space and virtually no kitchen facilities. From what I saw on site, the proposal provides for a wholly unsuitable living environment for its occupiers. Furthermore, the sub-standard nature of the accommodation is further exacerbated by the lack of outdoor amenity space for its occupants.
11. The Appellant has set out that whilst the proposal is small, it is not cramped for a single person. Quite simply, I disagree. It is also stated that the proposal equates to a caravan but with more permanent utilities being provided. Even if I was to accept that point, it does not justify the development before me.
12. In addition to the above it is suggested that the conversion does have an external amenity space, in the form of the section of Boswell Lane. However, this is also a vehicular access to the properties further up Boswell Lane, and as such cannot be realistically considered to be a suitable garden area for the occupants of the appeal dwelling.
13. Whilst the Appellant has indicated that the other properties on Boswell Lane do not have vehicular access rights over the Lane, there is little evidence to

support this assertion within the documentation before me. I therefore give this little weight.

14. For the above reasons, the proposal does not provide for adequate living conditions for its occupiers. The development is also contrary to Policy R1 of the West Northamptonshire Joint Core Strategy (WNJCS) and Policies SS2, and SDP2 of the SNLP which amongst other matters seek to promote sustainable development that addresses social issues, provides accommodation which has a healthy and equitable living environment together with a good standard of living accommodation in terms of sunlight, daylight and outlook.

Living conditions – neighbouring occupiers

15. The appeal building has two windows, one on the ground floor facing 25 High Street and the first floor rooflight facing 3 Boswell Lane.
16. As noted above, the ground floor window was in an area identified for storage purposes but as stated by the Appellant as being part of the living space. From looking through the window there were clear views into the garden area of No. 25 and to the property itself which would result in an unacceptable loss of privacy to the occupiers of No.25.
17. Turning to the first floor rooflight, this is located at a height where there are views possible towards No.3 when standing on the first floor. Whilst some of the views are restricted by the tree in the rear garden of No.3, there were clear views to the rear garden and to a lesser extent the property itself beyond. As a result of these views, there would be a clear loss of privacy to the occupiers of No.3.
18. Whilst it would be possible to impose a planning condition to ensure that these windows were obscurely glazed, to do so would result in an even worse standard of living accommodation for the occupiers of the dwelling. As such I consider that this would not be appropriate or desirable.
19. For the above reasons, the proposal would adversely affect the living conditions of the occupiers of 25 High Street and 3 Boswell Lane in conflict with Policy R1 of the WNJCS and Policies SS2 and SDP2 of the SNLP which amongst other matters seek to protect the amenity of existing residents through the prevention of the loss of privacy.

Highway safety

20. In respect of parking provision for No.25, before the conversion took place the garage would have been available for the parking of motor vehicles. The works that have taken place have no doubt resulted in the loss of such provision and no replacement provision appears to have been made. In addition to the above, the creation of a new dwelling has also resulted in an increase in demand for parking spaces.
21. Whilst I accept the point that access to the garage is somewhat restricted by the width of Boswell Lane and the bank on the opposite side of the road, this would not have prevented access to the garage and I therefore give this little weight in my decision.
22. At my site visit, I saw that a vehicle could physically park on Boswell Lane perpendicular to the dwelling itself. Whilst the vehicle I saw parked in this

position was located outside of the appeal site, it was located within land controlled by the Appellant.

23. Notwithstanding that, such parking provision does not appear to be in accordance with any recognised design standard for parking provision and it was clear that access to the properties further up Boswell Lane would be restricted by such parking. To that end, I find that this is not an appropriate form of parking provision for what is essentially a new dwelling.
24. I am also conscious that this section of Boswell Lane is a public right of way and as such could be used by pedestrians not associated with the residential properties on Boswell Lane.
25. In addition to the above, I have also taken account of the on-street parking possibilities on High Street in particular. However, at the time of my site visit there was very little space available and as such any increase in parking demand could well lead to parking stress in the area. Whilst my visit was only a snapshot in time, I have no reason to conclude that this was not a typical parking situation in the area.
26. Taking all of the above into account, I consider that the proposal has resulted in the loss of a parking space associated with No.25 and created additional parking demand through the creation of a new dwelling, with no suitable provision being made. The net result of both of these factors is that suitable parking facilities have not been demonstrated for both the host and new properties and further on-street parking is likely to lead to parking stress and indiscriminate parking in the area to the detriment of highway and pedestrian safety.
27. The proposal would therefore be in conflict with Policies SS2 and SDP2 of the SNLP which amongst other matters seek to ensure that development is designed for and includes a safe and suitable means of access for all people. It would also be at odds with the overarching transport aims of the National Planning Policy Framework.

Other matters

28. From the evidence before me the appeal site is also located within the Deanshanger Conservation Area (DCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area. That said, the Council have not identified any harm to the character or appearance of the DCA and from what I observed on site I have no reason to disagree with that assessment.
29. In addition to the above, the Appellant asserts that the property has been occupied for over 10 years without enforcement action and therefore permission has been incorrectly refused. However, there is little evidence to substantiate that claim. Notwithstanding that, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the Appellant to apply to have the matter determined under section 191 of the Act. Any such application would be unaffected by my determination of this appeal.

30. I have also had regard to the personal circumstances of the Appellant. However, these do not provide a compelling reason to grant planning permission for an otherwise wholly unacceptable form of development.

Conclusion

31. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR