The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 November 2020

Appeal Ref: APP/D0515/W/20/3251570
Land to the North 42 Station Drive, Wisbech St Mary, PE13 4RX

- 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 and Mrs Doherty against the decision of Fenland District Council.
- The application Ref F/YR20/0079/F, dated 28 January 2020, was refused by notice dated 24 March 2020.
- The development proposed is new 3 bed semi-detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, the effect of the proposal on the living conditions of adjacent residential occupiers and whether adequate and safe access would be provided to the parking area.

Reasons

Effect on the character and appearance of the area

3. Station Drive is characterised by widely spaced, redbrick semi-detached houses and bungalows, with their ridges parallel to the street with the area between them used for car parking.

4. The appeal proposal would extend No 42 Station Drive, at the side, to create a new dwelling. The existing garden at No 42 would be split between it and the proposed dwelling. An access drive would be created alongside the proposed dwelling to a car parking area for use by the proposed dwelling and No 42.

5. The appeal proposal would have the effect of closing the gap between No 42 and its neighbour at No 40. No 40 has had an extension that partially closes this gap and No 42 has an extant planning permission for a side extension of similar dimensions to the appeal proposal.

6. The proposal would maintain the ridgeline between it and its neighbours at No 44 and No 42 and would have the same eaves height as these houses. It would come no further forward towards the road than the existing pair of semi-detached houses. The windows would be similar in size, scale and style to the existing dwelling and the materials could be controlled so that they matched

the existing house. Whilst it would create a terrace of three dwellings, there are examples of this type of development in Station Drive.

7. The development plan includes the Fenland Local Plan 2014 (LP). For the reasons given above the proposed development would be consistent with Policy LP16(d) of the LP as it would maintain the local character and distinctiveness of Station Drive and respect the design and scale of dwellings in the street.

Effect on the living conditions of adjacent residential occupiers

8. The appeal proposal would extend beyond the rear wall of No 42 Station Drive and have an access way for vehicles down its side and a parking area for 4 cars, for both its use and that of No 42, at the bottom of its garden. The bottom of the garden is bounded by the garden of No 4 Mayfair Gardens. This house has a rear garden approximately 9m deep.

9. The introduction of an access way alongside the proposed dwelling would lead to vehicles parking and manoeuvring adjacent to the boundary of the appeal site with the rear garden of No 4 Mayfair Gardens. No 4 Mayfair Gardens has a short rear garden. The introduction of vehicles to the rear garden area of the appeal site, would harm the living conditions of the occupiers of No 4 Mayfair Gardens, through the increase in noise and disturbance brought about by the parking and manoeuvring of cars adjacent to its rear garden.

10. Furthermore, the proposed dwelling would adversely affect the living conditions of the occupiers of No 42 Station Drive, as the side wall of the appeal proposal would create an overbearing relationship between it and the area immediately outside its rear door. I note that this is not specifically referred to in the reasons for refusal, but the Council do refer to this relationship in their appeal statement.

11. I note the appellant has offered to strengthen the boundary between No 4 Mayfair Gardens and the appeal site with a fence and additional planting. I do not consider, given the close proximity of the car parking area to the rear garden of No 4 Mayfair Gardens, that the impact of potentially 4 vehicles in this location could be adequately mitigated with increased planting and a fence. Noise would still be experienced in the neighbours' garden when vehicles were manoeuvring in this area causing disturbance to the occupiers.

12. I have taken account of the extant planning permission for the extension at No 42 which allowed a car parking area to be created in this location. However, that was for a maximum of 2 cars to serve one dwelling. The appeal proposal would potentially double that amount.

13. I find that for the reasons given above the appeal proposal is in conflict with Policy LP16 (e) of the LP due to its adverse effect on the living conditions of adjacent residential occupiers.

Safe Access to the proposed parking area

14. The access to the parking area would be single track. It would serve 4 car parking spaces. The manoeuvring areas for vehicles would be restricted, making it difficult for cars to turn around so that they can exit the site in a forward gear. It would also pass close to the main pedestrian entrance to the proposed dwelling.

15. There is potential for conflict between pedestrians and cars where the proposed access way passes within 1m of the entrance to the new dwelling. Moreover, the proposed parking and manoeuvring areas would be difficult to use when operating at maximum capacity, as drivers would have difficulty manoeuvring so that they can exit the car parking area in a forward gear. This, together with the vehicle movements associated with two dwellings, would increase the possibility of cars having to reverse back to the public highway along the proposed access way. This would increase the danger of conflict between cars and pedestrians at the entrance to the proposed dwelling.

16. I note that the appellant has supplied vehicle tracking graphics to demonstrate how cars would manoeuvre so that drivers could exit the car parking area in a forward gear. However, some of these manoeuvres require complex and multiple movements, and I am not convinced that in practice drivers would use them.

17. I also note that the appellant has stated that the path to the proposed side access for the new dwelling would be raised above the vehicular access way. Whilst this goes some way to removing the potential conflict between cars and pedestrians there would still be a potential for conflict between cars and pedestrians at this location given the restricted width of the path and the access way.

18. Policy LP15 of the LP seeks to ensure at subsections (c) and (d) that accesses are well designed, safe and convenient for all and that developments provide well-designed car parking spaces. This approach is consistent with the National Planning Policy Framework (the Framework) which seeks to ensure safe and suitable access to sites for all users and create places that are safe, secure and attractive (paragraphs 108 and 110).

19. I therefore find that the appeal proposal is in conflict with Policy LP15 of the LP as it would not provide a well-designed, safe and convenient access and parking area for all users and would lead to conflict between pedestrians and vehicles outside the proposed access to the new dwelling.

Conclusion

20. On balance, whilst I find that the development would not have an adverse effect on the character and appearance of Station Drive, I do find that it would have an adverse effect on the living conditions of neighbouring residential occupiers at No 4 Mayfair Gardens and the host property No 42 Station Drive. Furthermore, the proposed access way would not provide a well-designed safe and convenient access for all users. I therefore do not consider that the compliance I find with the development plan concerning its likely effect on the character and appearance of the area is sufficient to outweigh the harm it would cause to the living conditions of neighbours and to the safety of pedestrians using the proposed access way.

21. I find that the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR