

Appeal Decision

Site visit made on 16 December 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/X3405/D/20/3260521

24 Pheasant Way, Cannock WS11 7LB

- 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 Jamie Powell against the decision of Cannock Chase District Council.
 - The application Ref CH/20/211, dated 23 June 2020, was refused by notice dated 23 July 2020.
 - The development proposed is removal of garage door, to be replaced with UPVc window and render to match existing.
-

Decision

1. The appeal is allowed and planning permission is granted for removal of garage door, to be replaced with UPVc window and render to match existing at 24 Pheasant Way, Cannock WS11 7LB in accordance with the terms of the application, Ref CH/20/211, dated 23 June 2020, subject to the following 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: existing location plan; existing block plan; proposed location plan; proposed block plan; floor and elevation plans.
 - 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 building.

Preliminary Matter

2. I offered the Council the opportunity to provide comments on the document submitted by the appellant titled "BR-09-0076-BN(2)" which related to Building Regulations. The Council did not respond in the prescribed timeframe. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on highway safety with regards to parking.

Reasons

4. The Council argue that the proposal would result in the loss of a parking garage, leaving the property with insufficient parking to meet the Council's

adopted parking standards. The adopted parking standards detailed in the Cannock Chase Local Development Framework Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document 2015 (SPD) state two and three bed dwellings require 2 spaces per dwelling. As the appeal site would only have one car parking space in the form of a driveway, it would not accord with the parking standards set out in the SPD.

5. It is apparent, from the evidence submitted, that the appeal property has only had one car parking space for some time with internal alterations removing the garage parking. The Councils Officer report also acknowledges the internal alterations and the lack of garage parking. A letter from the Council's Building Control Manager, dated May 2009, confirms that these internal alterations are in compliance with Building Regulations which implies that the property has been without the garage parking in excess of ten years.
6. I have had regard to the planning conditions of the existing property including permission ref: CH/04/0604 and that the planning status of the internal alterations are unclear. Nevertheless, given the length of time the property has been without a garage parking space, this is a material consideration in the determination of this appeal.
7. From the evidence before me, there has been no adverse effects on highways safety in terms of overspill of parking within the highway as a result of the previous internal alterations and removal of the garage parking. The proposed development would retain the current parking arrangements of the appeal site. Whilst this is contrary to the parking standards of the SPD, the proposal would not have an unacceptable or harmful impact on highway safety in terms of parking. The proposal would therefore be in accordance with paragraph 109 of the National Planning Policy Framework.

Conditions

8. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. A condition relating to materials is also necessary in the interests of the character and appearance of the area.

Conclusion

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

Chris Baxter

INSPECTOR