



Appeal Decision

Site Visit made on 9 February 2021

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/Y3940/D/20/3257206

1 The Buffer, Purton, Swindon, SN5 4GT

- 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 Scott Gilchrist against the decision of Wiltshire Council.
 - The application Ref 20/02214/FUL, dated 2 March 2020, was refused by notice dated 5 June 2020.
 - The development proposed is garage conversion and single storey extension for elderly dependant relatives (parents).
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion and single storey extension at 1 The Buffer, Purton, Swindon, SN5 4GT in accordance with the terms of the application, Ref 20/02214/FUL, dated 2 March 2020, and the following plans; Drawing No MED/AG/10/20, 1:1250 scale plan and 1:500 scale plan.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. Although different to that given on the decision notice, no confirmation that a change was agreed has been provided. In the decision I have removed elements of the description that are not acts of development. The appellant name is taken from the appeal form as it has been confirmed that the application form was incorrect.
3. The application form states that at the time of submitting the application the work had not commenced. However, the main and third parties that have responded refer to the scheme being retrospective. At my site visit I saw the building had been altered as shown on the submitted plans. I have considered the appeal on that basis.

Main Issue

4. The main issue of the appeal is the effect of the proposed development on highway safety, with particular regard to the adequacy of parking provision and sight lines.

Reasons

5. The Buffer is a relatively wide and straight residential road near the appeal site. There are no on street parking restrictions along this part of the road or nearby side streets. There are several lay-bys close to the site, including directly opposite, each of which can accommodate several vehicles.

6. At the time of my site visit, which I appreciate is only a snapshot in time, there was some on street parking taking place on side streets and within the nearby lay-bys. Nevertheless, large parts of the lay-bys and streets were unoccupied by parked vehicles and traffic was flowing freely.
7. I saw that 2 vehicles could be comfortably parked on the driveway to the side of the appeal property. The parking of a third vehicle on the driveway would be likely obstruct the pavement and crossover. It would also hamper the sight lines at the access to the property adjacent to the appeal site. Nevertheless, the third space is not within the appeal site and is said to be part of the public highway. Therefore, I have not considered a third space as part of the scheme. As such, the development does not adversely affect highway safety with regard to sight lines.
8. The appeal scheme has increased the number of bedrooms at the appeal property from 4 to 5. The minimum standards set out in the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (the Strategy) is the same for both 4- and 5-bedroom properties, being 3 spaces. Therefore, there was no increase in parking requirement.
9. The supporting text of the residential parking standards in the Strategy states that garages are not included in the allocated parking provision except where there are overriding design considerations. There is no clear evidence to indicate this is the case at the appeal site. Furthermore, it has not been shown that the use of the garage for parking was required by a condition of any planning permission. Consequently, I cannot be certain that the garage formed part of the allocated parking. Therefore, both in practice and when judged against the Strategy a loss of secured off-street parking would not actually occur.
10. The evidence before me indicates that parking issues in the area relate primarily to school drop offs and pick-ups. This would be limited to certain times of the day. While my visit was not at the time of school traffic, the information presented does not indicate that the lay-by opposite the site is a designated school drop off point. Moreover, there are a number of laybys close to the school. While a general lack of parking within the locality is said to have led to complaints, I do not have details of these.
11. Even if the scheme has led to the need for additional on street parking for a vehicle displaced by the loss of the garage, it is possible for it to park in lay-bys and on the street in relatively close proximity to the site without causing an obstruction. In addition, there are bus stops nearby that offer an alternative to private car use. Moreover, it has not been shown that on-street parking or that this scheme has led to traffic congestion or highway safety issues. In the most likely scenarios resulting from the appeal scheme the effect on vehicular conflict and inconvenience would be insignificant.
12. While on-site parking falls below that specified in the Strategy, on the individual circumstances of the case, the shortfall does not lead to highway safety concerns and consequently the scheme accords with the aims of Policies 57 and 64 of the Wiltshire Core Strategy to provide appropriate parking, safe access and to encourage sustainable transport alternatives.
13. It also complies with the National Planning Policy Framework where it states that safe and suitable access can be provided and that development should

only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

14. Noise and disturbance during works have been raised. Nevertheless, the neighbouring resident refers to the works having already been completed. The standard of the works and damage to property are not matters that affect my consideration of the main issue.

Conditions

15. Conditions relating to the commencement of the development, and for it to be carried out in accordance with the plans, are not necessary as the appeal is retrospective. A condition controlling the occupation of the building to that of the main dwelling is also not necessary as if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.

Conclusion

16. I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR