



Appeal Decision

Site visit made on 9 March 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/W3005/W/20/3259175

2 Manifold Drive, Selston, Nottinghamshire NG16 6GW

- 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 Cory Gilbert against the decision of Ashfield District Council.
 - The application Ref V/2020/0313, dated 20 May 2020, was refused by notice dated 23 July 2020.
 - The development proposed is the construction of a two bedroom detached bungalow and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submits that the policies of the Ashfield Local Plan Review 2002 (the ALPR) which were relied on by the Council in refusing permission, namely ST1(a), (b) and (c) and HG5(f) and (g), are not consistent with the National Planning Policy Framework (2019) (the Framework).
3. The Framework states at paragraph 213 that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
4. I identify no inconsistency between Policy ST1(a) and the policies in the Framework. Policies ST1(b) and (c) and HG5(g) seek to achieve well-designed places and to safeguard highway safety and these aims are consequently consistent with those of the Framework. Policy HG5(f) sets out that residential development should provide parking facilities in accordance with Council standards. The Framework allows for the setting of local parking standards at paragraph 105, and the evidence before me does not suggest that any inconsistency has arisen between the matters taken into account in preparing the Council's standards and those referred to at that paragraph.
5. Thus, I do not concur with the submission that the ALPR policies relied on by the Council in refusing permission are out-of-date because they were adopted prior to the publication of the Framework.
6. The appellant has requested that I accept drawing CG3/01/20 (Revision A) in my determination of the appeal. The plan includes measurements of the development's parking area which did not appear on previous plans. However, it does not materially alter the proposed development.

7. In considering whether to accept the amended drawing I have had regard to the "Wheatcroft Principles". As the development is unaltered the alterations are not substantial, and the development is not so changed that to accept the revised drawings would deprive those who should have been consulted of the opportunity of such consultation. Accordingly, I have formally considered the additional drawing in my determination of the appeal.

Main Issues

8. The main issues are the effect of the appeal proposal on:
- the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

9. The host dwelling is a detached dwelling with a prominent position on the corner of Manifold Drive and Lathkill Drive. The surrounding residential estate has generally well-spaced dwellings which are well set back from the highway within reasonably sized plots. Side gardens of a reasonable size are also a characteristic of corner properties in the area. These factors contribute positively to the area's spacious appearance.
10. The appeal site is land to the side of the host dwelling which holds a single storey single garage and an area which has a somewhat unkempt appearance. The garage is set back from the highway. The site consequently contributes positively to the spacious appearance of the wider estate due to the limited built form within it and to the retention of an open area at the side.
11. The new dwelling's proximity to the corner, minimal side garden and limited plot size would give rise to a cramped and overbearing appearance. This would be uncharacteristic of the prevailing pattern of development. The resulting dominance of the development at this prominent corner location would create a sense of enclosure in views along Lathkill Drive.
12. The proposal would therefore result in moderate harm to the character and appearance of the area, contrary to Policies ST1(a), (b) and HG5(g) of the ALPR, the aims of which are set out above. Further conflict exists with the design provisions of the Framework.

Highway safety

13. The Ashfield Residential Car Parking Standards Supplementary Planning Document (2014) (the SPD) sets out the Council's requirement for parking provision for new residential developments within the district. It states that developments of 2-3 bed dwellings should provide 2 parking spaces per unit.
14. The appellant states that the ALPR sets out at Appendix 7 ("Parking Standards for New Developments") that the preferred parking bay size is 2.4 metres x 5 metres.
15. The submitted revised drawing indicates that two parking spaces with total dimensions of 5.0 x 7.9 metres would be provided within the site. These would adjoin the boundary with the adjacent property.

16. The Council refers to alternative guidance which it states suggests that a minimum width of 5.8 metres should be provided for two parking spaces, as the spaces would be bound on both sides by boundary treatments.
17. Whilst I acknowledge that the plan indicates that the parking provision would comply with the ALPR standards, these have not been updated for some time. Thus, I concur with the submission that a greater width of parking provision would be more likely to cater for two vehicles given the potential for differing types of vehicle and accessibility requirements, and in view of the enclosure of the spaces by one or more fences or walls. As a result, the appeal does not demonstrate that two parking spaces of an adequate width would be provided within the site. The proposal consequently does not comply with guidance within the SPD and may give rise to additional on-street parking in the vicinity.
18. The residential streets around the site are reasonably wide and straight, and the visibility levels available to motorists and other highway users are generally good. Traffic speed is restricted to 20 or 30 miles per hour in the immediate vicinity. As a result of these factors, it is possible to find safe places to park on the street in the vicinity and this is unlikely to give rise to any unacceptable harm to highway safety.
19. Furthermore, there was a minimal level of on-street parking on the day of my visit and, whilst this was only a "snapshot" in time, there is nothing to suggest that this situation is not typical. As a two bedroomed household the property would be likely to give rise to only a limited number of associated vehicles, so that the level of any additional on-street parking generated by the development would be low. The proposal would not cause any unacceptable cluttering of the street scene for this reason.
20. Thus, the proposal would have an acceptable effect on highway safety. The scheme consequently complies with Policy ST1(c) of the ALPR, which states that development will be permitted where it will not adversely affect highway safety. Further compliance exists with Policy HG5(f) of the ALPR, which sets out that residential development will be permitted where parking facilities are provided in accordance with council standards, as outlined in Appendix 7.

Other Matters

21. The acceptability of the proposal in terms of its effects on living conditions and public safety are neutral matters which do not attract weight in its favour.

Planning Balance and Conclusion

22. The Council accepts that it cannot currently demonstrate a 5-year housing land supply. In such circumstances, paragraph 11.d) of the Framework indicates that the policies which are most important for determining the application are out-of-date. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
23. The development would add to the supply of housing in a location with access to services and facilities. There would be some economic uplift during construction through short-term employment and the purchase of building materials.

24. The weight attached to the identified benefits is tempered by the small size of the development, so that they are limited in scale. I have identified above that moderate harm would result from the proposal's effect on the character and appearance of the area. The proposal's acceptable effect on highway safety is a neutral matter which does not add weight to the planning balance. As a result, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits.
25. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR