
Appeal Decision

Site visit made on 25 May 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/Z1775/W/21/3268630
251 Twyford Avenue, Portsmouth PO2 8NY

- 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 Andy Tindall against the decision of Portsmouth City Council.
 - The application Ref 20/00376/FUL, dated 16 March 2020, was refused by notice dated 29 January 2021.
 - The development proposed is change of use from mixed use – retail (Class A1) and residential (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house in multiple occupancy) with associated alterations to shopfront and installation of two rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from mixed use – retail (Class A1) and residential (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house in multiple occupancy) with associated alterations to shopfront and installation of two rooflights at 251 Twyford Avenue, Portsmouth PO2 8NY, in accordance with the terms of the application Ref 20/00376/FUL, dated 16 March 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Location Plan Ref TQRQM20076151956079; Block Plan Ref TQRQM20076151912211; Dual Use Plans Ref PG5021-20-01 RevA; and Shopfront Alterations Ref PG5021-20-04 RevA.
 - 3) Prior to first occupation of the property as a dwelling house, as hereby approved, or house in multiple occupancy, secure and weatherproof cycle storage provision for 4 cycles shall be provided at the site and shall thereafter be kept available for the parking of cycles.

Procedural Matter

2. The Council refers to the adopted *Parking Standards and Transport Assessments SPD* (2014) (the PSTA SPD) in its decision notice. I have afforded some weight to that document, having regard to its role in supporting the relevant development plan policies.

Main Issue

3. The main issue is the impact of the proposal on highway safety and the living conditions of local residents, having regard to the availability of on-street vehicle parking.

Reasons

4. The appeal property forms part of a two-storey terrace on the west side of Twyford Avenue, just south of the junction with Gruneisen Road. There is a vacant ground floor retail unit fronting Twyford Avenue, with a ground and first floor 3-bedroomed dwelling behind and above. The locality is primarily residential, with some commercial properties scattered along Twyford Avenue, and ground floor commercial premises that have been converted to residential use.
5. Twyford Avenue is a wide, single carriageway, classified road, with footpaths on both sides, and is subject to a 30mph speed limit. It is busy, providing a strategic link within the local highway network, and also operating as a bus route. The section of the road in which the appeal site is located is limited to north-bound one-way traffic. Parking is prohibited on the appeal site side of the road by double yellow lines and a cycle lane. There is unrestricted parking on the opposite side of the street. Uncontrolled parking also exists on both sides of Gruneisen Road and within some other streets in close walking distance of the site.
6. The Council's PSTA SPD requires on-site provision for 1.5 vehicle parking spaces and 2 cycle parking spaces for the existing residential unit, and 2 vehicle spaces and 4 cycle parking spaces for the proposed development. There is sufficient space to the rear of the building to provide the required cycle parking, and this can be secured by a planning condition. No on-site vehicle parking spaces are available, and as such, the residential vehicle parking shortfall would increase by 0.5 spaces.
7. The Council is of the view that the demand for on-street residential parking in the area already exceeds the spaces available, and as such, the proposal would inconvenience residents resulting in danger to users of the highway due to an increased likelihood of vehicles being parking dangerously/illegally and harm to air quality as residents drive around the area seeking street parking.
8. During my site inspection, which took place during a weekday afternoon, I observed that on-site parking is not widely available within the site locality due to the prevailing terraced nature of built development. However, I did not witness any localised parking problems, parking congestion or illegal parking within the site vicinity. I found that unrestricted on-street parking was available on the opposite side of Twyford Avenue and within Gruneisen Road. I acknowledge that this was only a snapshot during the day, and there may well be more on-street parking at other times, including during the evening and at weekends.
9. However, the Council has not submitted a parking survey or other substantive evidence to demonstrate that there is an existing problem in respect of on-street parking within the vicinity of the site. Whilst my attention has been drawn to a number of accidents which have occurred on Tywford Avenue within

the site locality, no information has been provided to demonstrate that they are linked to inadequate on-street parking availability.

10. Having regard to the highly accessible location of the appeal site, close to facilities and services, a bus route and a cycle lane, together with the inclusion of 4 cycle parking spaces within the development, I find that there is a likelihood of some future occupiers of the appeal scheme using alternative modes of transport other than the car.
11. There would only be a very small increase of 0.5 spaces in the shortfall of residential vehicle parking against the Council's parking standards above that of the existing residential use of the site, and, in addition, the proposal would eliminate the need for vehicle parking associated with the existing retail use, which the Council considers amounts to one or two spaces. Although the latter would be more applicable to day-time parking implications, when the demand for on-street parking is likely to be lower, it is still significant, particularly given the recent trend towards home-working following Covid 19, so that more local residents' cars are likely to be parked on the street during the day. It also means that, overall, the on-site vehicle parking requirement for the site would be reduced as a result of the appeal scheme.
12. The Council has drawn my attention to a dismissed appeal¹ due to inadequate on-site parking for new residential units elsewhere in the City. I am not persuaded, on the basis of the evidence before me, that the details in respect of that appeal scheme are directly comparable to the current appeal, in respect of the location of the site, the development proposal and the shortfall of vehicle parking spaces. Also, in the case of that appeal, the Council's case was supported by evidence of on-street parking pressures within the site vicinity comprising numbers of issued Penalty Charge Notices and photographic evidence, with no evidence to the contrary having been provided by the appellant. In the case of the current appeal, no such evidence has been provided by the Council. I therefore afford little weight to that appeal case. In any event, I must determine the current appeal on its own merits.
13. For the above reasons, I conclude that, on the basis of the evidence before me, the proposal would not result in materially harmful impacts on highway safety or the living conditions of local residents due to the availability of on-street vehicle parking. As such, whilst not according with the Council's vehicle parking standards as set out in the PSTA SPD, having regard to the particular circumstances of the appeal scheme, the appeal proposal would not conflict with the objectives of Policies PCS17 and PCS23 of *The Portsmouth Plan* (2012), in so much as these policies encourage locating development where there is the potential to improve accessibility for all through walking, cycling and by public transport, and seek to ensure safe public spaces and the provision of a good standard of living environment for neighbouring and local occupiers and future residents and users of new development.
14. For similar reasons, the proposal would accord with Paragraph 109 of the *National Planning Policy Framework 2019* (the Framework), which states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

¹ Ref APP/Z1775/W/17/3191041

Other Matters

15. I have had regard to the third-party concerns in respect of noise disturbance. The Council has not raised an objection in this respect, and on the basis of the information before me and my site inspection, neither do I. In making this assessment, I have had regard to existing ambient noise levels within the vicinity of the site associated with traffic using the busy Twyford Avenue, the existing retail use of the premises, and nearby commercial premises, including a takeaway adjacent at No.249. As such, the proposed removal of the existing retail use, the addition of one extra bedroom and the maximum occupation of the proposed HMO by 6 persons, would not result in an increase in noise levels that would demonstrably harm neighbour living conditions.
16. Third-party concerns have been raised in respect of an over-concentration of HMOs within the area. The Officer Report confirms how the proposal accords with the Council's adopted *Houses in Multiple Occupation SPD* (2019) which sets a 10% threshold for the number of HMOs within a 50m radius of the site in order to ensure a balanced community and places restrictions on the location of HMOs in relation to each other and to existing residential properties in the interests of amenity and the living conditions of neighbours. On this basis, I am satisfied that this matter has been satisfactorily addressed.
17. I have noted third-party concerns about antisocial behaviour, and rising crime rates. However, there is no evidence before me that it is likely that these matters would arise as a result of the proposed residential occupation of the property.
18. Third-party concerns have been raised that work has already commenced on the proposal. The information before me is that this related to dormer window provision, which has since been removed. In any event, prior implementation of the development would not affect my conclusions in respect of the main issue, as I must determine the appeal on the merits of the scheme before me.
19. Concerns have been raised about a potential reduction in property values. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration.
20. In response to neighbour objections, whilst the construction process may be disruptive, it would be short term and is not a reason to withhold permission.

Conditions

21. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the National Planning Practice Guidance. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2). A condition to ensure the provision of secure and sheltered on-site cycle parking is justified in the interests of promoting sustainable travel in the city (3).

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR