
Appeal Decision

Site visit made on 26 August 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/N1540/W/21/3269067

61-63 Churchgate Street, Harlow CM17 0JT

- 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 Andy and Eugenie Thornton and Harvey against the decision of Harlow District Council.
 - The application Ref: HW/FUL/20/00450, dated 22 September 2020, was refused by notice dated 10 December 2020.
 - The development proposed is described as a '1) Convert the existing 5 bedroom house back into 2 No two bedroom houses by reinstating the central partition wall and installing a new staircase in house No 61. Harlow LPA Ref HW/ST/03/00177; 2) extend the existing front single storey bay to same details as the previously approved design from 2003; 3) insert a new matching sash window and brick header to the level 1 bedroom on the west facing elevation of No 61 and 4) create a new courtyard garden to the rear of No 61 which will be accessed from the single storey linked outbuilding / garden room of No 63'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in July 2021, and this post-dates the Council's refusal notice. As part of the determination of this appeal, I afforded the main parties an opportunity to comment upon the implications of this change for the purposes of determining this appeal. I have determined this appeal in accordance with the relevant parts of the development plan including the Framework.
3. The application was determined prior to the adoption of the Harlow Local Development Plan 2020 (HLP). Both parties have referred to the policies in the HLP and I have determined the appeal in accordance with them.

Main Issue

4. The main issue is whether the proposal would lead to on-street car parking and, if so, the effect of such car parking on highway safety.

Reasons

5. No's 61-63 used to be two separate dwellings until their amalgamation to form a 5-bedroom property in approximately 2003. It includes two off-street parking places and, as such, complies with the requirements of the Essex Parking Standards (2009) (EPS) which requires two such spaces for dwellings with two or more bedrooms. The purpose of the EPS is stated to minimise the risk of on-street parking problems.
6. The proposed development would revert the situation to two separate dwellings and in the process would reduce the current number of bedrooms from five to four. Each proposed two-bedroom dwelling would have one of the two existing off-road parking spaces rather than two each.
7. Policy IN3 of the HLP states that *'vehicle parking must be provided in accordance with the adopted Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the local plan and/or supporting documents'*. However, I recognise that the policy justification, at paragraph 17.24 *'provides a flexible approach to the provision of parking'* and allows the Council to *'accept fewer parking spaces in areas of good public transport accessibility'*. In this regard, the appeal site is close to a bus route and within relatively easy reach of the local railway station.
8. As matters are currently arranged, the one dwelling has two parking spaces and which may be sufficient to avoid, or to limit, the amount of parking on the highway. The main issue is whether the division of the property into two dwellings would lead to more off-street parking and, if so, what the impact might be for highway safety.
9. I consider that it is reasonable to take the view that there is a possibility that two separate families would rely on more than one car each, even where other forms of transport exist. In addition, I consider that it is likely that the occupants of two separate dwellings would result in more car-borne visitors from family and friends and deliveries than the occupants of one dwelling, leading to the likelihood of more on-street parking. I therefore consider that the division of the property into two dwellings, albeit with a reduction of one bedroom, and their occupation by two separate families, would be likely to lead to an increase in the current demand for car parking.
10. On my site visit, I was able to see that there is an absence of on-street parking restrictions immediately outside the property and in the immediate vicinity and that cars can park outside currently. While my visit provided only a snapshot in time, I noted that there was no shortage of such available parking spaces.
11. However, the appeal property is situated on the inside of a bend and where views by approaching drivers are somewhat limited by the bend and by the presence of a hedge to the property boundary. It is also close to a road junction. I consider that most drivers would not park immediately outside the appeal property, on the bend, but some might, including those such as delivery drivers and others stopping for a short time.
12. I recognise that other householders are likely to park on the highway and also that there is no evidence of any traffic accidents in the area. However, I do not consider it prudent to add to the risks that additional on-street parking can

produce in respect of vehicle sightlines. In addition, photographs provided by the appellant show cars parked half on pavements, a situation that is likely to be detrimental, especially to those with visual impairments and to those with prams. Additional on-street parking would therefore, have an unacceptable impact on highway safety.

13. For the above reasons, I conclude that the proposed development would fail to provide sufficient and necessary off-street parking for each dwelling, to the detriment of highway safety on Churchgate Street and would undermine the principle of seeking to discourage on-street parking, contrary to policy IN2 of the HLP which aims to ensure that development does not cause a detrimental effect upon highway safety, with policy IN3 which requires compliance with specified parking standards, and with the highway safety requirements of paragraph 111 of the Framework.

Other Matters

14. While the proposed development would create an extra dwelling, I have no information before me to indicate that the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. In any event, boosting the supply of homes in the area by only a net additional dwelling would not be significant and would not outweigh my conclusion on the main issue.

Conclusion

15. The proposal does not accord with the development plan for the area when considered as a whole and there are no material planning considerations which justify granting planning permission for development that is in conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR