



Appeal Decision

Site visit made on 20 September 2021

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/R3650/W/21/3271736

Longmynd, Hale Reeds, Farnham GU9 9BN

- 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 Clirim Burniku against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1481, dated 25 August 2020, was refused by notice dated 15 March 2021.
 - The development proposed is the construction of a two storey, two bedroom attached new dwelling, following demolition of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans showing the application site expanded to include a parking area in the front garden of the existing house¹ and requested that these be considered as part of the appeal.
3. It is important that what I consider is essentially what was considered by the Council and on which interested parties' views were sought. While the Council and Highway Authority have had the opportunity to comment on the revised plans, other interested parties, such as neighbouring occupants, have not. The proposed revision would be a material change to the development. Considering the revised plans as part of the appeal would deprive those who should have been consulted on the changed development of the opportunity of such consultation. That would be unfair and run counter to the principle established in the *Wheatcroft*² judgement.
4. While plan LM.102 Rev A submitted with the application shows a parking area in front of the existing house and the dropped kerb necessary to access it, it is outside the application site and is labelled 'by owner separately'. This part of the plan therefore does not form part of the application.
5. I have had regard to other appeal decisions³ referred to by the appellant where revised plans were accepted by the relevant inspector. However, these relate to changes which did not materially alter the development subject of those appeals or did not prejudice other parties' interests. That is not the case here. Consequently, I am unable to take the revised plan into account and have

¹ LM.100 Rev A, LM.101 Rev B, LM.102 Rev B.

² *Bernard Wheatcroft Ltd v SSE* [1982] 43 P&CR 233

³ APP/L3245/W/15/3067596 and APP/Z1510/W/19/3225503

determined the appeal based on the plans on which the Council made its decision.

6. A unilateral undertaking was submitted with the application securing a financial contribution towards mitigation measures in relation to the Thames Basin Heaths Special Protection Area. The Council was satisfied that, subject to the undertaking, no adverse impact would be caused to the integrity of the Special Protection Area. I comment further on the undertaking under other matters.

Main Issue

7. The main issue is the effect on highway safety, in respect of parking provision.

Reasons

8. Hale Reeds is a narrow residential road with on-street parking allowed along one side and with parking restrictions on the other. It is also used to access a school at the end of the road. Most of the older properties in the road do not have any off-street parking provision and are therefore reliant on on-street parking. At the time of my site visit most of the on-street parking spaces were occupied with little spare capacity available. The pressure on on-street parking capacity is corroborated by representations received on the application.
9. The proposed development would provide adequate parking to serve the new dwelling but would not make provision for off-street parking for the host dwelling as part of the application. This would fail to accord with the Highway Authority's Vehicular and Cycle Parking Guidance 2012 and the Council's Parking Guidelines 2013. The site does have reasonable access to a range of facilities and services but there are no controls over the use of on-street parking capacity in the area. Occupants of the existing house would consequently be able to park vehicles on-street. The proposed development would therefore result in additional pressure for on-street parking in Hale Reeds.
10. Given the existing pressure on the limited on-street parking capacity in Hale Reeds, adding further to that pressure would increase the risk of illegal parking or obstruction of access to other dwellings in the road or the school, with a consequently unacceptable impact on highway safety. This view accords with that of the Highway Authority, which has raised objection to the proposal on highway safety grounds because of inadequate parking provision. The risk to highway safety is distinct from cumulative impacts on the road network, and as noted in paragraph 111 of the revised National Planning Policy Framework (the 'Framework') is a justifiable reason for preventing development that would cause unacceptable highway safety concerns.
11. The appellant has drawn attention to 2 other appeal decisions⁴ where the lack of parking provision was an issue. Both decisions relate to different types and scales of development on different roads where the circumstances of each case differ from that of the appeal site. These examples therefore carry little weight in the current appeal, which must be determined on its own merits.
12. I have considered whether the lack of parking provision could be overcome by the imposition of a condition. For the reason explained under preliminary matters, that would introduce a material change to the proposal that would go

⁴ APP/R3650/W/16/3149753 and APP/R3650/D/19/3230329

beyond what was reasonable without giving interested parties the opportunity to comment. Consequently, it would be unreasonable to impose such a condition, which would fail one of the tests set out in paragraph 56 of the Framework.

13. I conclude that the lack of parking provision would cause harm to highway safety in Hale Reeds by increasing pressure on the limited on-street parking provision, and could not be overcome by the imposition of a condition. It would as a result conflict with Policy ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018, which requires development schemes to make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards.

Other Matters

14. The Council had declined to consider the amended plans as part of the application, because the change was considered to be too significant and would have required a revised application. The appellant has drawn attention to another application where the Council did accept an amended application boundary⁵ and carried out re-consultation. Reconsulting on the revised plans would have enabled them to be considered as part of the current proposal and potentially avoided the need to resubmit a revised application. However, the judgement by the Council whether to reconsult on revised plans or request a revised application is a matter that lies outside the terms of this appeal.
15. The Council is satisfied that the unilateral undertaking submitted with the application overcomes any potential adverse impact on the Thames Basin Heaths Special Protection Area. Given my conclusion on the main issue it has not been necessary for me to carry out an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) and I have not considered this matter any further.

Conclusion

16. The Council acknowledges that it cannot demonstrate a 5 year housing land supply, a recent appeal decision⁶ concluding that there was only a 4.26 years' supply. The appellant suggests 4.2 years' supply. In such circumstances, paragraph 11 of the Framework states that planning permission should be granted unless, amongst other criteria, any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
17. The provision of an additional 2-bedroom house is of modest benefit, particularly given the lack of housing land supply, as would be the temporary economic benefit during its construction and future spending power of its occupants. However, highway safety is an important matter, not only for occupiers of the existing and proposed houses, but also for other road users.
18. I consider that the harm that would be caused to highway safety would significantly and demonstrably outweigh the modest benefits in this instance. The 'tilted' balance provided by paragraph 11 of the Framework is therefore not sufficient in this case to outweigh the conflict with the policies in the development plan and Framework when taken as a whole.

⁵ WA/2020/1120

⁶ APP/R3650/W/20/3262641, dated 21 June 2021

19. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR