
Appeal Decision

Site visit made on 10 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021.

Appeal Ref: APP/P0240/D/21/3278752
73A Elm Avenue, Caddington LU1 4HT

- 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 Ms Laura Allen against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04417/FULL, dated 30 November 2020, was refused by notice dated 16 June 2021.
 - The development proposed is two storey side and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and single storey rear extension at 73A Elm Avenue Caddington Luton LU1 4HT in accordance with the terms of the application, Ref CB/20/04417/FULL, dated 30 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: No.2044 01 Rev C received 16/04/21.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. Since the determination of the application the Central Bedfordshire Local Plan 2021 (LP) has been adopted. The Council has advised that the Policies from the North Core Strategy and Development Management Policies Document 2009, South Bedfordshire Local Plan 2004 and the Mid Bedfordshire Local Plan 2005 have been replaced by the new LP. I have therefore considered the proposed development against the relevant policies of the new LP.

Main Issue

3. The main issue is whether the proposed development makes appropriate provision for off-street parking in the interest of highway safety.

Reasons

4. The appeal property is a two storey detached dwelling on a corner plot at the junction of Elm Avenue and Ledwell Road. It is located in a mature well-

established residential area, typically characterised by detached and semi-detached properties set back behind front gardens/ driveways. The proposed development would provide a parking area with three parking spaces across the frontage of the site and vehicular access onto Elm Avenue. The residential road in the vicinity of the access has footpath provision and street lighting.

5. In terms of parking provision, the Council's Parking Standards set out in the Central Bedfordshire Design Guide 2014 (CBDG) requires 3 off-street parking spaces (measuring 5m length and 2.5m wide with pedestrian access) to be provided for a four bedroom detached house in this location, one of which can be provided on-street. The Council's Highway Officer have objected as the proposal would not meet these requirements and contend that the proposal would not provide the appropriate level and layout of the parking spaces.
6. I acknowledge that the parking area at the front of the appeal property would be restricted in nature and some properties in both Elm Avenue and the surrounding streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, there are no parking restrictions outside the appeal site and at the time of my site visit, there were parking spaces available at the front of the appeal property, along Elm Avenue and the nearby streets, although this was obviously only a snapshot in time. The Council's Highway Officer has provided little substantive evidence to demonstrate there is no residual parking capacity in the surrounding area.
7. In my mind, the scale and layout of the proposed development would provide sufficient space and flexibility to achieve adequate off-street parking for the proposal without resulting in a significant adverse effect on highway safety.
8. In view of the modest scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the development would be relatively small in the context of the overall supply and availability of parking in the area and would not be significantly materially different to the existing situation on the site. In any event, the appeal site is located in a relatively sustainable location within easy walking distance of the local services and facilities and public transport services and as such provides a viable alternative to the use of the car. Therefore, I consider that the effect is likely to be only marginal and certainly not severe, the test set by the National Planning Policy Framework (the Framework) for preventing development on highway grounds¹.
9. Consequently, I conclude that the proposed development would have appropriate provision for off-street parking and would not have a significant adverse effect on highway safety in the area. The development would therefore be consistent with the aims of Policy HQ1 of the LP and the CBDG that require development proposals, amongst other things, to be of the highest quality that provides appropriate parking provision for residential development. It would also accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 110), highway safety (paragraph 111) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 112).

¹ Paragraph 111 of the Framework

Other Matters

10. I have taken into the account the objections raised by third parties to the proposal including impact on the character of the area, overdevelopment, flooding, parking and highway safety. However, I have addressed the matters relating to parking and highway safety in the issues above and the other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

11. Having regard to the Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area and safeguard the amenities of the nearby residents, I have imposed a condition requiring matching external materials.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR