



Appeal Decision

Site visit made on 25 January 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022.

Appeal Ref: APP/K0235/D/21/3287675 18 Acorn Way, Bedford MK42 0CN.

- 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 S West against the decision of Bedford Borough Council.
 - The application Ref 21/02308/FUL dated 20 August 2021, was refused by notice dated 15 October 2021.
 - The development proposed is garage conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for garage conversion at 18 Acorn Way, Bedford MK42 0CN in accordance with the terms of the application, Ref 21/02308/FUL dated 20 August 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 2019132-SU-001; 2019132-BR-100; 2019132-BR-101.
 - 3) The materials to be used in the construction of the external surfaces of the garage conversion hereby permitted shall match those used in the existing building.
 - 4) Prior to the habitable space created from the conversion of the garage, hereby permitted, being brought into use, sufficient space shall be laid out on the property frontage to accommodate two cars without encroaching on the highway together with a matching extension of the dropped kerb. The access and driveway shall be surfaced in a bonded material across the entire width of the access for a distance of 5 metres measured back from the back edge of the highway footpath. Surface water from the access must not drain to the public highway. The spaces shall thereafter be kept available for parking at all times.

Main Issue

2. The main issue is whether the proposed development would have a detrimental effect on highway safety as a result of the loss of garage space on site.

Reasons

3. The appeal site is located on the north side of Acorn Way, a cul-de-sac that in the vicinity of the appeal site has been developed with 3 storey town houses featuring

an integral single garage and frontage parking generally for one car in front of the garage. Near the head of the cul-de-sac is a children's playground and the roadway is signed as a cycleway. The road is not a shared carriageway and footways are provided on both sides of the road.

4. I have been referred to similar developments at Nos 19 and 21 Acorn Way which have been approved with only one parking space on the forecourt which the appellant considers justifies allowing a similar approach at No 18. In addition, whilst walking around Acorn Way, I noticed that at least another two properties at Nos 26 and 29 also had converted garages. I acknowledge that each property in terms of its position and context can be slightly different. Moreover, I acknowledge that the cumulative impact of these sorts of conversions can become significant. I will therefore assess the proposal at No 18 on its own merits.
5. Whether or not the integral garage at No 18 is currently available to accommodate a car was not clear from the unaccompanied site visit. However, the Council for the purposes of assessing parking accommodation on site have assumed that one space is available within the garage and one space in front of it meeting the standard in the *Bedford Borough Council Parking Standards for Sustainable Communities* (PSSC) for a 3 bedroom property.
6. The proposed conversion of the garage would provide a kitchen space and study according to the plans thus there would be no increase in the number of bedrooms and the property would therefore still require 2 parking spaces to meet the standard.
7. The submitted plans indicate a front forecourt area to the property of approximately 6.2 metres in width and easily 5 metres in depth even allowing for space in front of the dwelling and its entrance. As the commonly accepted car park space is required to be 2.4 x 4.8 metres this means there would be sufficient depth to the frontage to ensure there is no overlap of vehicles onto the highway and for occupants to pass along the front of the dwelling without having to squeeze past cars. Similarly, there would be more than sufficient width to accommodate 2 cars side by side even allowing for opening of doors. I acknowledge that the pathway to the front door is currently offset to the left side of the forecourt but the frontage width would allow two vehicles to be parked such that the distance between them would allow access to the doorway. In any event it is unlikely that two cars would be permanently kept on the frontage. I am also aware that wheelie bins are currently kept on the forecourt area to these properties but again there is a side separation between No 18 and its neighbour to the west where these could continue to be kept without being impacted by the parked vehicles.
8. I acknowledge that the parking spaces thus achieved may not be entirely to PSSC standard but the space available would be sufficient to accommodate 2 average sized cars without requiring on street parking. In any event it was clear on my site visit that diagonally opposite No 6 to the south west, about 40 metres away, there is an off street parking bay capable of accommodating 3 vehicles at right angles to the roadway. No vehicles were parked there at the time of my visit. There would therefore be alternative visitor parking in the immediate vicinity of the house.
9. It has been put to me that as Acorn Way is part of a signed cycle route and also on the route to a local school for schoolchildren that the proposed loss of the garage could result in impacts for highway and pedestrian safety. Given my conclusion above that two cars could be parked on the forecourt there would be no net loss of parking and no need to park on the road itself potentially reducing road space for traffic. Moreover, No 18 has an open frontage and is positioned with good visibility

from the forecourt along the central section of Acorn Way and as such, whilst manoeuvring on and off the forecourt would be necessary, this would be unlikely to be unsafe for pedestrians and cyclists and no different to what is the procedure for all occupiers on Acorn Way.

10. The *National Planning Policy Framework* (the Framework) makes it clear at paragraph 111 that permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. I am not persuaded that either would be the case here.
11. Bedford Borough Local Plan (BBLP) at Policy 31 seeks to control the access impacts from development. The policy is consistent with the Framework and requires that development considers highway capacity, parking provision, safety and general disturbance to the area amongst other things. For the reasons above I am satisfied that these factors have been considered, parking provision can be provided and the loss of the existing garage, subject to appropriate conditions, would not have a significant adverse impact on the public highway or highway safety.

Conditions and Conclusion

12. The Council suggested conditions to be applied in the event the appeal was allowed and permission granted and I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. Firstly, a condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. Secondly there is a need to ensure that the works to the property frontage are carried out using matching materials to those used in the existing house in the interests of protecting the character and appearance of the property and its surroundings.
13. Although not proposed by the Council it is important in the interests of maintaining highway safety that two parking spaces are accommodated on the frontage and therefore I will impose a condition requiring provision of the spaces and an extension of the dropped kerb prior to the habitable space first being brought into use. As this would be an additional condition the parties have been consulted on it. The Council agrees the need for a condition but requests that it includes control over the surfacing material to avoid loose surfacing spilling onto the highway. I accept that, to ensure highway safety, this addition would be necessary and reasonable. The appellant has expressed concern that the condition is overly onerous and would restrict his ability to bring the new room into use but at the same time appears to agree that he will lay out the spaces and provide the drop kerb. Because this work needs to be capable of being controlled by the planning and highway authority to ensure a safe solution for all highway users and not just the appellant, it is reasonable that the garage is not brought into use as a habitable room until alternative parking provision is provided on the frontage. I am satisfied that the condition is necessary, relevant to the development proposed, reasonable, precise and enforceable and therefore meets all tests.
14. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the garage conversion subject to the conditions set out above.

P. D. Biggers

INSPECTOR