

Appeal Decision

Site visit made on 10 May 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2022

Appeal Ref: APP/A2335/D/21/3289874

12 River Street, Lancaster, LA1 1AD

- 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 Mrs Karen Gallacher against the decision of Lancaster City Council.
 - The application Ref 21/01013/FUL, dated 6 August 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as resubmission of previously refused scheme to use garage as living accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mrs Karen Gallacher against Lancaster City Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal scheme is a resubmission of a previous planning application (ref 20/00531/FUL) that was refused on substantially similar grounds relating to highway safety and residential amenity. The scheme has not been amended.

Main Issue

4. The main issue is the effect of the proposal on parking provision, with particular regard to on-street parking, highway safety and residential amenity.

Reasons

5. No 12 is a 4 storey terraced dwelling with 5 bedrooms and an integral garage. It is in use as a house in multiple occupation (HMO) and it is occupied by students. The property is close to St Georges Quay, roughly north of Lancaster city centre. River Street is characterised by closely spaced and high density residential development including 3, 4 and 5 storey buildings. Dwellings are in use as both family dwellinghouses and HMO student accommodation. Parking is provided through a combination of integral garages and residents parking spaces and the street is under high parking demand.
6. The proposal would be the conversion of the garage to provide ancillary living accommodation. The dimensions of the garage are not indicated on the plans. However, the evidence with the appeal states that it measures 2.5m by 5.3m.

7. Policy DM62 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020 (the DMDPD) requires car parking provision in accordance with Appendix E car parking standards. For a C3 dwellinghouse with 4 or more bedrooms, the maximum provision is 3 spaces. Policy DM62 also states that garages should have an internal space of at least 6m long by 3m wide in order to be a sufficient size to be genuinely used by a car.
8. While little evidence has been provided in terms of distances to services and facilities, public transport or educational establishments, I accept that the appeal property is in a reasonably accessible location. However, while I note the suggestion that students do not generally have cars, there is little before me in relation to car ownership in the local student population. Moreover, the third party representations evidence that several of the occupiers of No 12 have cars and that visitors to the property frequently travel by private vehicle. Irrespective of the parking standards for purpose-built student accommodation, or that the property is licensed as a HMO, the appeal property is a C3 dwelling house. It has not been demonstrated that the relevant parking standards should be relaxed or that they should not apply at all in this case.
9. While the garage may be below current internal space standards for larger modern vehicles, it appears to be adequate for smaller cars, motorcycles and cycle parking. Irrespective of whether or not current occupiers choose to use the garage for vehicle parking, it has not been robustly demonstrated that it could not be used for parking. Consequently, the loss of the garage would be the loss of 1 off-street parking space. The property would have no off-street parking provision in an area with limited on-street parking.
10. It has not been demonstrated that 2 cars could park comfortably along the appeal property frontage without compromising the neighbours, that the frontage would be reserved for parking by the occupiers of No 12, or that this would in any case compensate for the loss of the garage. Moreover, the evidence indicates that there is no formal parking to the frontages and the parking of vehicles obstructs both the footpath and part of the highway.
11. I visited the site during a weekday, at which time there was a large number of parked cars along the narrow street including in front of garages. Although some of the resident reserved parking spaces were unoccupied, there was otherwise little to no available on-street parking. On the basis that at least some of the occupiers would be away from their properties during the day, it seems reasonably likely that River Street would be under a significantly greater level of parking pressure during the evenings and at weekends. I understand that photographs of on-street parking spaces and a local car park were provided to the Council. However, in the absence of substantive evidence such as a parking survey, it has not been demonstrated that there would be available on-street or other parking in the area to accommodate the proposal.
12. The narrow road, frontage parking and obstruction of the footway, and high pressure for on-street parking spaces is likely to result in conflict between road users. Increasing demand for on-street parking, arising from a reduction in the already limited off-street parking capacity would contribute to congestion not only on River Street but also on nearby streets, reducing the efficient flow of traffic with consequent adverse impacts on highway safety and residential

amenity. Moreover, the harm would be further exacerbated if the converted garage accommodated an additional occupier with a private vehicle.

13. The appellant would be willing to consider planning conditions if necessary. However, she has not suggested any form of condition wording to demonstrate that the adverse impact of the proposal could be mitigated in this way. The Council is of the opinion that there are no conditions that would make the proposal acceptable. In the absence of evidence to the contrary, I am also not satisfied that the harm and policy conflict could be overcome by conditions.
14. Therefore, I conclude that the proposal would result in inadequate off-street parking provision and increased demand for on-street parking in an area already under a high level of parking pressure, with consequent harm to residential amenity and highway safety. It would conflict with the aims of DMDPD Policies DM29 and DM62 which require, among other things, that development contributes positively through good design, making adequate parking provision to ensure that highway safety and efficiency is maintained or improved and that adverse effects on local amenity are avoided. It would conflict with the National Planning Policy Framework (the Framework) in relation to highway safety, minimising the scope for conflict between road users, and development that will function well and add to the overall quality of the area, with a high standard of amenity.

Other Considerations

15. The proposal involves no physical changes and the garage door would be retained such that the internal living space would have no windows. However, the application was not refused on grounds relating to the living conditions of future occupiers and, as I am dismissing the appeal for other reasons, this is not a matter that I have considered further. There is little evidence that the proposal would make any more than a negligible contribution to the supply of housing.
16. Condition 10 of the earlier planning permission (ref 00/01263/FUL) requires that the approved garages are retained and kept available for parking. I note the suggestion that the condition is not relevant to the proposal because of inconsistencies on the approved plans. However, full details have not been provided and it has not been demonstrated that condition 10 fails to meet the tests for conditions. This matter does not weigh in favour of the scheme.
17. Paragraph 107 of the Framework sets out matters that policies setting local parking standards should take into account. It does not provide a justification for the proposal.

Conclusion

18. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
19. Therefore, the appeal should be dismissed.

Sarah Manchester INSPECTOR