
Appeal Decision

Site visit made on 14 June 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/B3030/W/21/3288307

1 Sherwood Road, Rainworth NG21 0LJ

- 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 Riten Patel, of Rainworth Dental Care Ltd against the decision of Newark & Sherwood District Council.
- The application Ref 21/01676/FUL, dated 26 July 2021, was refused by notice dated 21 October 2021.

The development proposed is described as "proposed change of use from an existing dwelling to a dental practice (to include construction of a single storey extension to the rear of the property to replace an existing conservatory). Re-submission of application Ref No: 20/02181/FUL".

Decision

1. The appeal is dismissed.

Main Issues

2. From the submissions, including no reference being made to it in the reason for refusal, it seems clear that the single storey rear extension was considered acceptable by the council and the appellant confirms that is their understanding. I have no reason to disagree. The main issues are therefore the effect of the proposed change of use on:
 - (a) highway safety;
 - (b) the character and appearance of the area; and
 - (c) the living conditions of the occupants of neighbouring properties from noise and disturbance.

Reasons

Highway Safety

3. The proposed development would incorporate a total of 8 parking spaces within the appeal site. Both parties agree that the level of parking provision is insufficient. The development proposes 4 surgeries which would operate concurrently, assuming no Covid restrictions are in place. With 4 surgeries potentially each with 1 patient and 1 surgeon, as well as other staff, it seems likely that there could be more than 8 vehicles on site at one time. The appellant has provided information regarding the travel arrangements of the current staff to justify a lower number of on-site parking spaces. However, it is not clear how the appellant has reached their assumptions about staff parking levels or on what basis car sharing can be achieved. Furthermore, the

information is a snapshot in time involving current employees; staff may change and have different transport requirements; the data involves the operation of 2 surgeries rather than 4; and there is no mechanism to ensure members of staff will continue to car share, walk to work or use public transport. A lack of on-site parking provision could result in staff and patients parking elsewhere. If this occurred on the roads surrounding the appeal site, I am concerned that it could adversely affect safety by vehicles parking over pavements due to the roads being narrow, and vehicles parking in places that need to remain clear due to the roads being busy and form part of a bus route.

4. Five of the proposed parking spaces, including the disabled parking space, do not meet the dimensions detailed within the Nottinghamshire County Council Highway Design Guide ('Design Guide'), rendering these spaces substandard. Swept Path Analysis has been provided which demonstrates that vehicles could enter and exit the proposed spaces, but it also confirms that some movements would be convoluted; would require vehicles to reverse for an extended distance close to walls; require a vehicle using space 2 to manoeuvre on the pavement; and would impede a driver's ability to exit their vehicle when parked adjacent to a wall. Furthermore, vehicles within the staff spaces would obstruct one-another. The proposed parking layout therefore fails to demonstrate sufficient, usable parking provision. Consequently, the difficulties of manoeuvring vehicles within the site, could likely lead to users exiting into or out in reverse gear. Reversing out of the site would make it difficult for drivers of those vehicles to adequately see pedestrians on the footpath, particularly children who would be obscured by the brick walls along the back-edge of the pavement. Furthermore, these reversing movements would be directly opposite a parking bay where vehicles manoeuvre in and out, as well as in proximity to the junction with Kirklington Road. Parking restrictions are in place along Sherwood Road, and it seems important to me for the area around this junction to be kept free of obstructions and other hazards such as manoeuvring vehicles, for highway safety reasons.
5. The appellant has stated that many patients live within walking distance of the dental practice and most patients travel to it by bus, on bike or on foot. It is agreed that the appeal site is accessible by bus, as bus stops are located within walking distance of the appeal site. It is also agreed that the appeal site is located within a residential area where it is likely that some patients could walk to the surgery. However, the appellant's claims in respect of where their patients reside and how they travel to the practice are unsubstantiated in any clear evidence that has been submitted with this appeal.
6. I noted on my site visit that alternative parking is available within the vicinity of the appeal site. However, the Design Guide states that a lower level of parking provision must be justified within a Transport Assessment or Transport Statement and no such document has been provided.
7. In relation to the first main issue, the proposed development would have an unacceptable impact on highway safety, and as such, would not comply with Spatial Policy 7 of the Newark and Sherwood Amended Core Strategy adopted March 2019 (CS) and Policy DM5 of the Newark and Sherwood Local development Framework, Allocations and Development Management Development Plan Document, adopted July 2013 (DPD). Amongst other things, these policies seek to ensure that vehicular traffic generation does not create

new, or exacerbate existing, on street parking problems, nor adversely affect the safety, convenience and free flow of traffic using the highway.

Character and Appearance

8. The appeal site comprises a semi-detached, two-storey dwelling located on the corner of Kirklington Road (B6020) and Sherwood Road. The dwelling is angled to face the corner of the two roads and occupies a triangular-shaped plot with a larger front garden and a smaller rear garden. The pair of semi-detached properties are set back from the roads by a landscaped grass verge planted with trees. On the opposite corner there is a two-storey shopping parade. The shopping parade is set back from Kirklington Road by a landscaped grass verge planted with trees, shrubs and flowers.
9. The junction of Kirklington Road and Sherwood Road is open and spacious and characterised by soft landscaping, with limited vehicle parking. The appeal site contributes to this character by having a landscaped front garden that is visible from the street scene due to the low height of the front boundary wall. In contrast, the proposed development would result in the front, side and rear gardens of the appeal site replaced with hardstanding to be used for the parking and manoeuvring of 8 vehicles. The visual impact of the vehicles would be even more noticeable if the demolition of part of the front boundary wall to create an additional access was necessary as shown on the Swept Path Analysis plans. The proposed changes to the garden areas of the property would not reflect the open and landscaped character of the area, detracting from its local distinctiveness.
10. In relation to the second main issue, the proposed development would harm the character and appearance of the surrounding area, and as such, would not comply with Core Policy 9 of the CS and Policy DM5 of the DPD. Amongst other things, these policies require developments to respect the district's built form character and to resist uncharacteristic forms of development.

Living Conditions

11. The proposed parking spaces would occupy the front, side and rear gardens of the appeal site, close to the boundaries shared with the adjacent neighbouring properties. The application form states the surgery would be open between 8:00am to 8:00pm, seven days a week. The parking spaces would be positioned very close to the neighbouring properties, including from what I could see, windows as well as garden areas. The frequent number of vehicle movements from patients and staff arriving and departing, resulting in vehicle doors opening and closing, as well as the convoluted manoeuvring of vehicles within the car park, would result in significant noise. These factors would cause disturbance to the nearby residents' living conditions.
12. In relation to the third main issue, the proposed development would harm the living conditions of occupiers of the neighbouring properties. This would be due to noise and disturbance, and as such, would not comply with Policy DM5 of the DPD, which amongst other things, requires developments to have regard to their impact on the amenity of surrounding land uses.

Other Matters

13. The relocation of the existing dental practice is said to be required for it to be accessible for all, and for the long-term future and viability of the business. It

is agreed that the appeal site would provide level access, with all 4 surgeries on the ground floor. However, the disabled parking space is substandard, and no cycle parking is proposed. Evidence about the need to relocate the business to this site is also very limited. The potential benefits of the proposal therefore do not outweigh my conclusions on the main issues.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR