

Appeal Decision

Site visit made on 14 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref. APP/K2610/D/22/3292559

54 Freeland Close, Taverham, Norwich NR8 6XR

- 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 Mike Dawson against the decision of Broadland District Council.
 - The application ref. 20211316, dated 14 July 2021, was refused by notice dated 7 January 2022.
 - The development proposed is described on the application form as "*The proposal is to build a single storey extension to the side of the existing home. Which will provide a new dining and living space.*"
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension at 54 Freeland Close, Taverham, Norwich NR8 6XR in accordance with the terms of the application ref. 20211316, dated 14 July 2021, 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 following approved plans: existing Location Plan; proposed Block Plan; and the drawing titled *54 Freeland Extension 001*, dated 12 July 2021.

Preliminary matters

2. In the decision above, I have referred to the simpler description of the proposed development found on the Council's decision notice and the householder planning appeal form.
 3. An application for a full award of costs has been made by Mr Mike Dawson against Broadland District Council. This application will be the subject of a separate decision.
 4. I am aware that a planning application (ref. 20190934) for the subdivision of the plot at no. 54 and the erection of an attached dwelling was refused in 2019. That was a wholly different scheme in so many ways and it is important that the appeal scheme is assessed on its own merits.
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Main issue

5. The Council raised no objections on the grounds of visual impact or neighbouring amenities. I see no reason to disagree with those findings. The main issue is therefore the effect of the proposed extension with regard to the matter of parking provision.

Reasons

6. Freeland Close is a fairly modern residential cul-de-sac. No. 54, a 2-storey, 2-bedroom, semi-detached house, stands on a corner plot where the main route of the cul-de-sac meets one of the shorter access ways leading off it.
7. The appellant seeks to add a single-storey side extension in matching bricks and tiles to the gable end of the house which faces the main route of the cul-de-sac. This would offer a new dining and living space. The existing ground floor lounge would be largely converted to a bedroom and WC, so that the overall internal accommodation can better meet the needs of the appellant who is suffering from a chronic degenerative disease.
8. The Council stated that the extension would lead to the creation of a 3-bedroom dwelling which would be served by only one car parking space within the curtilage and that due to the location of the dwelling on a junction and the lack of on-street parking, it was considered essential for 2 on-site parking spaces to be provided in accordance with its policies and parking standards.
9. Policy TAV7 of the Taverham Neighbourhood Plan (TNP) expects car parking provision for all new developments to be in accordance with the adopted parking standards of the District Council and states that taking into account the proposal and its location, parking provision should include adequate off-street parking for the size of the dwelling. Policy TS4 of the Broadland Development Management Development Plan Document (DMD) states that within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.
10. The Council's Parking Standards Supplementary Planning Document (SPD) seeks 2 car parking spaces for a housing unit with 2 or 3 bedrooms. The SPD carries weight as a material consideration in decision making but guidance of this type should not be applied prescriptively to the exclusion of all other factors, especially as the levels of car parking set out in the standards are to be regarded as indicative levels, rather than hard and fast levels to be followed in every scenario. Moreover, if it is going to be applied fairly, there needs to be at least some recognition about how closely an existing situation squares up to the guidelines in the document.
11. The erection of a rear outbuilding took away the host property's second off-street parking space. That said, I have not been made aware of any conditions attached to the original planning permission for the estate that seek to retain off-street parking spaces for parking purposes only. The appeal extension would not result in the loss of the single off-street parking space that remains.
12. Moving to a 3-bedroom dwelling from a dwelling with 2 bedrooms does not in itself necessarily generate a need for more parking. This is also confirmed in the Council's parking standards which are the same whether a house has 2 or 3

bedrooms. If the scheme was refused, the existing 2-bedroom house would still be below the relevant standard. The status quo would effectively be maintained if the appeal scheme was implemented. There is no evidence that any parking stress or highway safety issues have been created by the current use of the appeal dwelling.

13. In this case, the appellant made it clear that the scheme would not increase the occupancy level of the building. It is more to do with providing enhanced internal accommodation that can be adapted as his medical condition changes. The Council did not attach sufficient weight to that purpose. I am aware that there is a possibility that future occupiers might also retain the bedroom on the ground floor and increase the occupancy levels at the property. Equally, other future occupiers could well put the ground floor bedroom area to use as a living area or home office whereupon the dwelling would be a 2-bedroom house. Either way, the parking standards do not change.
14. The Highway Authority would have preferred an additional on-site parking space but gave very clear advice to the Council that without such a space any concern is limited to inconvenience rather than highway safety and that the proposal would not be refusable on the basis of a failure to provide such a space. I see no basis to disagree with this professional judgement. I saw that on-street parking already takes place along Freeland Close, some of the other properties seem to have only one on-site parking space, vehicle speeds are very low, forward visibility along the cul-de-sac is quite reasonable and the most obvious place for an additional parked vehicle on the street (should that ever prove necessary for no. 54) would be away from the junction, close to or in front of where the existing off-street parking space is situated.
15. As well as seeing no compelling need for a second in-curtilage parking space, the laying out of such a space could give rise to wholly unacceptable consequences. For example, the removal of the outbuilding would be at great cost to the appellant and lead to the loss of a useful facility. Having a vehicle parked across the front garden would visually detract from a green open area on a prominent corner plot and introduce hazardous reversing movements close to the junction. An incursion to the side of the existing car parking space would result in the loss of valuable private amenity space very close to the patio doors at the back of the proposed extension, the removal and lowering of parts of the roadside boundary wall leading to potential overlooking of the rear garden from the street and the uprooting of a Rowan tree in the garden.
16. The Council was also advised by officers that other properties along Freeland Close have recently received planning permission for extensions that increase the number of bedrooms without any requirements for additional parking space to be created. He has provided details of an implemented planning permission at no. 10 (ref. 20210642) where a ground floor side extension increased the number of bedrooms from 3 to 4 and yet I could only identify one off-street parking space, rather unfortunately close to the windows in the front elevation. The assessment in the officer's report does not even refer to parking or highway safety or to the policies and guidance I have set out in paragraphs 9 and 10 above. The appellant is perplexed by this inconsistency as indeed I am.
17. The appellant has set out 2 fallbacks, these being the inclusion of a ground floor bedroom in the existing house prior to the submission of an application for

planning permission for an extension or the making of such an application without the bedroom and the inclusion of a bedroom later on after the permission has been implemented. I attach weight to these fallbacks as the resulting development would be the same as the proposal before me and as one of them is very likely to be carried out.

18. I find on the main issue that there would be no undue detriment with regard to parking provision for any reason. Having regard to how the scheme would not substantively increase the demand for parking, the existence of adequate off-street and on-street parking opportunities and the impracticalities of providing a second on-site parking space, there would be no material conflict with the underlying aims of TNP Policy TAV7 or DMD Policy TS4 or the SPD. The expressed need for the development and the multiple benefits that would flow from it for the appellant are further factors in favour of granting planning permission. Related to this, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The appellant has a protected characteristic for the purposes of the PSED. It does not follow from the PSED in itself that the appeal should succeed. However, the scheme might well be the only way for the appellant and his family to independently remain in the dwelling by providing accessible internal accommodation across the ground floor. A refusal of the scheme would put the appellant at a disadvantage and the equality implications add some weight to my overall conclusion that planning permission ought to be granted.
19. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have not imposed the Council's third suggested condition on the planning permission I have granted which would require a second in-curtilage parking space to be provided and retained; this would not be necessary or reasonable for the reasons I have already set out in this decision, particularly at paragraph 15 above.
20. For the reasons given above and having regard to all other matters raised and the representations from local residents and Taverham Parish Council, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR