



Appeal Decision

Site visit made on 18 August 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/P2365/D/22/3302307

19 Sturgess Close, Ormskirk, Lancashire L39 1PH

- 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 Jane Montez-Nurse against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0207/FUL, dated 25 February 2022, was refused by notice dated 16 May 2022.
 - The development proposed is the erection of single storey rear and first floor side extensions over existing ground floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey rear and first floor side extensions over existing ground floor side extension at 19 Sturgess Close, Ormskirk, Lancashire L39 1PH in accordance with the terms of the application, Ref 2022/0207/FUL, dated 25 February 2022, 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: A111 Rev 1; A102 Rev 1; A103; A104 Rev 1; TQRQM22056123451969; and TQRQM22056123347531 except in respect of the third (middle) car parking space shown on plan A111 Rev 1.
 - 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.
 - 4) Before the extensions hereby permitted are first occupied, details shall be submitted to and approved by the local planning authority showing how the driveway extending from the highway boundary shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material. The development shall be carried out in accordance with the approved details before the extensions are first occupied and retained thereafter.

Main Issue

2. The Council do not raise issue with the proposed single storey rear extension. I agree with the Council that this aspect of the scheme is not harmful. Therefore, the main issue is the effect of the proposed first floor side extension and the proposed parking arrangements on highway safety, with regards to the safe and free flow of vehicles.

Reasons

3. The appeal property is a two-storey end terraced dwelling situated at the head of the cul-de-sac containing residential properties. The property benefits from a single storey side extension which, according to the submitted plans, is used as a lounge and kitchen/diner. A modest sized driveway lies to the front of the appeal property. It is covered in loose stone/slate.
4. Although the appellant says that the property is already a 4 bedroom home, the submitted plans show the property has 3 bedrooms. The proposed first floor side extension would result in 4 first floor bedrooms. Therefore, 3 parking spaces are required as per the standard sought by Policy IF2 of the West Lancashire Local Plan 2012-2027 (Local Plan).
5. The driveway would allow 2 vehicles to park off the highway, albeit the layout would be tight and require one of the vehicles to move to allow the other to enter or egress from the driveway. As the third space shown would result in a vehicle oversailing the footway, it cannot be relied upon as it would use part of the highway. Therefore, a maximum of 2 spaces can be accommodated on the appeal property's driveway which is to be converted to hard standing.
6. For proposals below the recommended parking standards, Local Plan Policy IF2 explains that they should be supported by evidence detailing the local circumstances that justify a deviation from the policy.
7. The houses in the road form part of the urban area and within walking distance of a range of services and facilities, with those in the town centre further away, but again within walking distance or easy cycling distance. I understand that the houses were built without any off-street parking provision, and some properties within the road do not have any off-street parking provision. These are typically the middle properties of the terraces. However, many others do have off-street parking provision, but general for 1 or 2 vehicles. There are no parking restrictions on the road, and vehicles park on the road, though the width of the road and the potential for off-street parking is limited. However, there are pedestrian footways on either side of the road.
8. Residents would be the main users of the road, along with their visitors and any deliveries. The likely effect of occupants of the appeal property needing to or deciding to park on the road would be to occupy space around the turning head of the cul-de-sac or close to it. This practice already seems to occur. That said, with the 2 usable spaces on the appeal property the reliance placed on the road for parking would be low. There is also no substantive evidence to suggest that on-street parking is or has led to congestion, or it has prevented vehicles, including emergency service vehicles from manoeuvring in or out of properties or within the road safely. Hence, I consider these circumstances justify a deviation from the parking standards required by Local Plan Policy IF2 to the 2 spaces that the appeal property provides.
9. I conclude that the proposed first floor side extension and the proposed parking arrangements would not cause harm to highway safety, with regards to the safe and free flow of vehicles. Therefore, the proposal would accord with Local Plan Policies GN3 and IF2 which jointly seek, among other things, residential development to meet the recommended parking standards unless local circumstances justify a deviation from them to ensure highway safety and sustainable development.

Conditions

10. I have imposed a plans condition in the interests of certainty. A matching materials condition is necessary so that the extension harmonises with the host dwelling and the character and appearance of the area. To prevent loose surface material from being carried on to the public highway causing a potential source of danger to road users, and to ensure the usability of the driveway for 2 vehicles, I have imposed a condition so that the driveway is hard surfaced and retained as such thereafter.

Conclusion

11. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
12. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR