



Appeal Decision

Site visit made on 16 August 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/C2741/W/22/3298271

29 Deramore Drive, York YO10 5HL

- 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 I Furby against the decision of City of York Council.
 - The application Ref 21/02625/FUL, dated 30 November 2021, was refused by notice dated 26 January 2022.
 - The development is described as 'retrospective application for gable extension with raised roof line'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective in that the extension is already in place. However, for the avoidance of any doubt, I have determined the appeal on the basis of the plans before me.
3. The appellant has provided a plan showing a different parking arrangement and swept path analysis as part of their final comments. Having regard to the comments of local residents I am concerned that, were I to take this plan into account at this late stage, without formal consultation, it would prejudice those who have previously commented on the development. As such I consider that it would be inappropriate for me to formally consider the additional drawing. I have therefore determined the appeal on the basis of the plans refused by the Council.

Procedural Matters

4. The Council's reasons for refusal refer to the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (2005) (DCLP) and the emerging Local Plan (the emerging LP) which is currently undergoing examination. Although the DCLP does not form part of the statutory development plan for the purposes of S38(6) of the Planning and Compensation Act 2004, it is a material consideration in determining planning applications. I have given both the DCLP and the emerging LP weight only in so far as they are consistent with the National Planning Policy Framework (the Framework).

Main Issue

5. The main issue is whether the development provides suitable arrangements for car and cycle parking and refuse storage.

Reasons

6. The appeal site is a five bedroom House in Multiple Occupation (HMO). Formerly a three bedroom HMO, single storey extensions to the rear and side have been constructed providing two additional bedrooms. The side extension is the subject of this appeal and has been constructed in place of a garage which was set slightly further back than the extension.
7. The Site Plan shows the provision of two car parking spaces in a tandem arrangement with one of these filling the narrow gap between the side of the dwelling and the boundary with the neighbour, 27 Deramore Drive. The spaces drawn are small, providing little or no circulation space around the vehicles to allow for ease of access, unloading, maintenance, and washing. Furthermore, this parking arrangement does not allow for vehicles in the spaces closest to the dwelling to be moved independently of those in the space to the front. This is likely to inconvenience residents of the HMO.
8. Furthermore, a vehicle parked in the gap between the appeal property and its neighbour would block access for those foot, whilst access with wheeled bins or cycles would be extremely difficult, if not impossible. Whilst there has been disagreement over the widths of the accesses to either side of the dwelling, they are nonetheless extremely limited in that regard which would also severely hinder access for refuse and cycles.
9. The appellant states that since the plans were drawn, the frontage has been gravelled, meeting the Council's requirement for three parking spaces. On my site visit I saw that this had been carried out, however I note that this additional parking is also substandard in length, limited by the narrow depth of the front garden. Furthermore, the position of a streetlight directly to the front of this area within a wide grass verge is likely to create additional difficulties for cars accessing this space via the existing dropped kerb, making these spaces impractical for use. My assessment here is reinforced by the comments of the occupiers of neighbouring properties who state that occupiers of the HMO are driving across neighbouring drives to access the parking area.
10. I note the appellant states that the students currently occupying the HMO only have small cars and that they are unlikely to have larger vehicles, however this cannot be guaranteed in the future and nevertheless, having regard to the parking restrictions in the area, off-street parking is also likely to be sought by visitors.
11. The inadequate on-site parking provision and further parking pressures arising from the increase in occupants of the HMO as a result of the development is likely to lead to displacement of vehicles onto the public highway. This is likely to have caused a subsequent increase in demand for off street parking in an area where parking pressure is high. The Council has directed me to evidence of a resident's parking zone, which is in operation between the hours of 0800 and 1700 hours Monday to Friday, however, as the demand for parking is likely to be highest in the evening and at weekends, this would do little to mitigate the additional parking arising from the development.
12. Nevertheless, the Council has advised that HMO residents are not eligible for resident's parking permits which only serves to further demonstrate the need

for adequate off-street parking provision. In my view, the development is likely to have exacerbated existing parking pressure through indiscriminate parking, inconveniencing local residents and existing and future occupants of the HMO.

13. I therefore conclude that the development does not provide suitable arrangements for car and cycle parking and refuse storage. It therefore conflicts with Policy D1 and T1 of the Emerging LP which together require developments to constitute high quality design that is fit for purpose, accessible and with adequate off-street parking and convenient cycle storage. The development would also conflict with Policies GP1 and GP4 of the DCLP which requires development to make adequate provision for the storage and collection of refuse and recycling. Conflict would also occur with the provisions of paragraph 130 of the Framework which sets out that planning decisions should ensure new developments function well and add to the overall quality of the area and create places that promote health and well-being with a high standard of amenity for existing and future users.
14. The development would also be contrary to guidance set out in the Council's Highway Design Guide and the Draft House Extensions and Alterations Supplementary Planning Document (2012) which seek to ensure new developments include adequate provision for the parking of cars and cycles.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR