



Appeal Decision

Site visit made on 15 September 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/C2741/W/22/3299141
41 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 B Cleaver against the decision of City of York Council.
 - The application Ref 21/02507/FUL, dated 9 November 2021, was refused by notice dated 7 January 2022.
 - The development proposed is change of use of house in multiple occupation (use class C4) to large house in multiple occupation (sui generis) with erection of bin and cycle store to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The spelling of the appellant's name varies between the planning application form and the appeal documents. The spelling has been clarified and I have used this in the heading above. Although the right of appeal rests with the original applicant, I am satisfied that the change in spelling is of a minor nature and I have proceeded with this appeal on that basis.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

4. The main issue is whether the proposal would make suitable provision for car parking, cycle parking and bin storage.

Reasons

5. The appeal site currently consists of a 6 occupant house in multiple occupation (HMO) in a detached dwelling. It is proposed to change this to 7 occupants by changing the existing garage to a bedroom.
6. The proposal would provide 4 parking spaces to the front of the dwelling. Appendix 23 of the Council's Highway Design Guide (HDG) identifies a 'standard' car parking space as being 4.8m by 2.4m. However, the HDG is clear that standard car parking spaces need to be increased for practical purposes.

This approach is reasonable as residents of the HMO would expect more space around vehicles to enable unloading, washing, maintenance etc.

7. The proposed site layout plan depicts 4 spaces on the open area of hard surfacing to the front of the dwelling. However, in each of the pairs of parking spaces the parking bays are placed in close proximity to each other, and it has therefore not been demonstrated that the parking area would enable sufficient practical access around vehicles.
8. It has also not been demonstrated how vehicles would be able to move into and out of the spaces, for example through a swept-path analysis. Indeed, the Council's concerns in respect of a vehicle parked in the furthest north of the spaces having to manoeuvre across the grass verge, with subsequent damage to the verge, appear to be well-founded. It has also not been demonstrated how vehicles parked in the spaces to the south east could easily manoeuvre into and out of the site without conflicting with other parked vehicles. The conflict between vehicle movements and parked vehicles would only increase if the space between parking bays was increased.
9. Cars parked to the front of the building would also block or unduly restrict access to the cycle and bin storage which would be provided in the rear/side garden. The cycle and bin storage would also be located on a higher tier of the garden, which is accessed via steps and would therefore hinder the movement of bins and cycles. These issues may lead to the storage of bins and cycles in the front garden which would introduce clutter into the streetscape. This may also deter the use of cycles to the detriment of sustainable transport.
10. The appellant contends that the garden area could be accessed via a gate without crossing the parking courtyard, using steps or the lower path level adjacent to the building. However, the submitted plans do not demonstrate that such a route is feasible. For example, whether the route would be across land that is within the appellant's control, or would not conflict with parked vehicles.
11. The appellant has submitted a photograph which shows 4 cars parked to the front of the dwelling. However, the cars depicted are relatively small and not representative of the range of vehicles that could be parked in association with the proposal. The photographic evidence does not therefore lead me to a different conclusion in respect of the harm I have identified to parking and storage.
12. The appellant refers to works that have been undertaken to address issues raised in a previous appeal decision¹ for the site. However, based on what I have seen and read, those works would not address the concerns raised by the Council in respect of the appeal before me. The appellant also sets out that they own the neighbouring property of 39 Deramore Drive and there is no dispute over the proximity of parking, although there is no certainty that this arrangement would remain in place.
13. I conclude that the proposal would not make suitable provision for car parking, cycle parking and bin storage. The proposal would therefore conflict with policy D11 of the City of York Publication Draft Local Plan 2018 (PDLP), and policies GP1 and GP4a of the Development Control Local Plan 2005 (DCLP) which

¹ Appeal Ref: APP/C2741/W/19/3226870

together require development proposals to protect the amenity of occupiers, be safe and accessible, respect or enhance the local environment and make adequate provision for the storage and collection of refuse and recycling. Neither of these documents have been formally adopted as part of the development plan, although the Council state that the PDLP has been submitted for examination and that the DCLP has been approved for development control purposes. As such, both the PDLP and DCLP can be given weight in my consideration of this appeal, albeit to a limited degree.

14. The proposal would also be contrary to the National Planning Policy Framework which seeks to achieve well-designed places, and ensure that parking is integral to the design of schemes and contributes to making high quality places. It would also be contrary to the advice of the HDG in respect of the provision of parking spaces of suitable size and a high standard of parking for bikes to promote cycle usage. The proposal would also be contrary to the advice of the City of York House Extensions and Alterations Draft Supplementary Planning Guidance 2012 which seeks to provide adequate access, parking, cycle storage and suitable provision for bin and recycling storage, amongst other things.
15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR