



Appeal Decision

Site visit made on 22 September 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/A1015/W/22/3297225

132 High Street, Old Whittington, Chesterfield S41 9LE

- 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 Michael Ellis-Thompson against the decision of Chesterfield Borough Council.
 - The application Ref CHE/21/00809/FUL, dated 3 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is described as 'Pair of semi-detached houses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A set of revised plans have been provided with this appeal, which make changes to the access and parking arrangements, the footprint of the proposed dwellings and the design. My understanding is that these changes attempt to address the concerns raised by the Council within the Officer Report (OR). As these plans were not submitted to the Council during the application stage, they have not been subject to any public consultation. The changes are significant and so I have not considered these revised drawings as part of this appeal, because to do so would deprive those who should have been consulted, with an opportunity to comment. The appeal process should not generally be used to evolve a scheme.

Main Issues

3. The Council's OR as well as the reason for refusal on the Decision Notice (DN) set out the Council's case in relation to this appeal. Additional matters are raised within the OR, that are not specifically set out within the reason for refusal, but which the appellant seems to be fully aware of, noting the aforementioned revised plans. Therefore, I consider the main issues in this appeal to be:
 - (a) whether the proposed development would make adequate provision for vehicular access and parking, in the interests of highway safety
 - (b) the effect of the proposed development upon the character and appearance of the area, and
 - (c) whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to internal space standards.

Reasons

4. The proposed development relates to the side garden of a semi-detached dwelling, No 132 High Street. The proposal would require the demolition of the existing garage at No 132 and a re-arrangement of the off-street parking serving this dwelling. This garage sits at a higher level than the dwelling itself and land levels rise gradually to the north. No 132 is positioned on the outside bend of a service road to the main carriageway of High Street, which runs to the north. The site lies on the edge of a housing estate that consists mainly of semi-detached dwellings that share a uniformity of design and layout, interspersed with some flats.

Access and parking

5. The proposed development indicates two off-street parking spaces per proposed dwelling at varying angles to the highway. Whilst not falling within the appeal site, the plans also indicate two compensatory off-street parking spaces to the frontage of No 132.
6. The proposed parking bays achieve the required parking space dimensions of 2.4m width x 4.8m length. Two proposed parking spaces to the western boundary lie adjacent to an existing solid boundary treatment, a low stone wall. In such circumstances, the Council and the Highways Authority indicate an additional 0.5m width is required. To the other side of these parking bays, there remains space between them and the front of the westernmost dwelling. This would allow for some additional room to open and close doors. As such, I am satisfied that these spaces would be of a functional size. No boundary treatment is indicated between the parking bays to the front of the easternmost proposed dwelling and those that would serve No 132. Therefore, these parking spaces would not require an additional 0.5m width. Any concerns regarding the potential for boundary treatment to impact on the functionality of these parking spaces, could be controlled by the imposition of a suitably worded condition.
7. Nevertheless, the access arrangements into and out of the proposed dwellings for both pedestrians and drivers would be constrained by the width of the frontage. There is no clear delineation of pedestrian access to each proposed dwelling in and around the parking bays, (or to No 132 for that matter, which would be left with a narrow strip only). Pedestrian access is particularly unclear for the proposed plot adjacent to No 132, because there is a lack of information as to how the change in levels within this area would be dealt with. The proposed dwelling adjacent to No 132 would sit in the approximate location of the existing garage, which is at a higher level than No 132. The plans are not clear as to the position, height, and extent of any retaining structures within this frontage and how this would impact on pedestrian routes around the parking bays. Nor is it clear whether any change in levels would impact on the area to the front of the proposed parking bays, which would need to be utilised as a shared space for manoeuvring, due to the nature of the angled parking and the restricted width of the access, to ensure such manoeuvring would be practical.
8. As such, whilst I have considered the response from the Highways Authority, I am not satisfied that there is sufficient information provided with the proposal to demonstrate that adequate access provision for both pedestrians and vehicles is achieved. I do not consider that the imposition of conditions to

secure this information would be appropriate, given the lack of certainty as to what can physically be achieved.

9. I have no concerns relating to visibility. The position on the outside of the bend provides adequate visibility and existing walls and fences were observed to be low. As such, the imposition of a condition would be suitable in this respect to retain adequate sightlines.
10. To conclude on this main issue, it has not been demonstrated that the proposal would incorporate adequate provision for vehicular access and parking, to ensure that it would be acceptable in highway safety terms. The proposal does not therefore comply with Policies CLP20 and CLP22 of the Chesterfield Borough Local Plan Adopted July 2020 (LP), which amongst other matters, seek to ensure that new development provides adequate and safe vehicle access and parking, and a safe and convenient environment for pedestrians, as well as ensuring that it does not have an unacceptable impact on highway safety. Nor does it comply with the requirements of the National Planning Policy Framework (NPPF) in terms of achieving safe and secure access to the site for all users.

Character and appearance

11. Due to the limited size of the site and the width of the frontage, the proposed dwellings would be narrower in width overall than existing houses, with a frontage dominated by parking. In comparison, the majority of other semi-detached houses retain open frontages with both garden and parking space. This pair of houses would have a staggered building line, with a notable forward projection to the westernmost dwelling requiring a hipped roof at the front. This design would be a marked contrast to the uniform design and flat frontages of existing housing. In combination, these compromises would result in a design and layout that would be at odds with the character and appearance of the wider estate resulting from its layout and uniformity, resulting in a cramped form of development.
12. To conclude on this issue, the proposal would be harmful to the character and appearance of the area. It would not therefore comply with LP Policy CLP20, which requires that new development respects the character, form and setting of a site and its surroundings, through careful consideration of matters such as appearance and architectural style, scale, density and massing. Furthermore, the requirements of the NPPF are not met in terms of achieving high quality buildings that are sympathetic to local character.

Living conditions

13. The proposals fall short of the overall space requirement for a two bed, three person dwelling set out within the Technical Housing Standards – Nationally Described Space Standard (NDSS), which states a minimum area of 70 m², although the bedroom sizes and widths appear to be achieved. However, these nationally described standards are not prescriptive. Footnote 49 of the NPPF advises that policies may make use of these standards where the need can be justified. I have not been provided with any policy stating a minimum space standard requirement and so, there is no justification for applying a minimum quantity of floorspace in this case. Nevertheless, the NDSS is a material consideration. The underlying intention to achieve high quality residential development for future occupiers is consistent with LP Policy CLP14 and

paragraph's 126 and 130 of the NPPF. Therefore, I have assessed the proposal in terms of its overall quality and functionality, having due regard to this document as material consideration.

14. The proposed dwellings would have a separate living area and kitchen at ground floor. Bedroom sizes are reasonable. Each dwelling would be dual aspect and I have no concerns in relation to the adequacy of daylight/sunlight and outlook. Nor would these windows be overlooked, providing adequate levels of privacy. Further, the proposed dwellings would be provided with an adequately sized private outdoor space of reasonable quality. However, the shower room appears cramped and circulation space appears tight, and I would question whether this may need revised at the expense of bedroom space. At a shortfall of approx. 11-12% of the NDSS, the level of overall space is constrained for the intended level of occupation.
15. To conclude on this main issue, the proposed development would not provide satisfactory living conditions for the intended future occupiers. The proposal would not therefore comply with LP Policy CLP14, which amongst other matters, seeks to ensure that proposals have an acceptable impact on the amenity of users. Nor would it comply with Paragraph 130 of the NPPF which requires the creation of places that provide a high standard of amenity for future occupiers.

Other Matters

16. Whilst I appreciate the importance of providing new housing nationally, due to its scale, this proposal would make only a modest contribution to the area's housing requirements to which I give limited weight.
17. The quality of service provided by the Council during the processing of the application is not a matter for this decision. Nor am I able to comment on how the Council may have reacted to the representations of neighbours, suffice to say that such representations have the potential to be material considerations and therefore must be given due regard.
18. I have noted the discrepancies raised in the appellants' Final Comments (FC's). These relate to the representations of the Highway Authority and not Chesterfield Borough Council, the former having raised no objection to the proposal. Nevertheless, I have based my decision on the plans provided which indicate two-bedroom dwellings.
19. The other matters raised do not outweigh the harm identified in relation to the main issues.

Conclusion

20. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook

INSPECTOR