



Appeal Decision

Site visit made on 20 December 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/T3725/W/22/3306458

3-5 Mill Street, Leamington Spa CV31 1ES

- 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 Patrick O'Sullivan against the decision of Warwick District Council.
 - The application Ref W/21/1660, dated 1 September 2021, was refused by notice dated 16 May 2022.
 - The development proposed is the existing dwelling to be subdivided to form two dwellings with associated internal alterations. External alterations include the erection of single storey rear elevations, dormers to rear, application of render to front elevations, erection of wall and railings to front.
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Decision

1. The appeal is allowed and planning permission is granted for the existing dwelling to be subdivided to form two dwellings with associated internal alterations. External alterations include the erection of single storey rear extensions, dormers to rear, application of render to front elevations, erection of wall and railings to front at 3-5 Mill Street, Leamington Spa CV31 1ES in accordance with the terms of the application, Ref W/21/1660, dated 1 September 2021, subject to the following conditions:
 - 1) Unless where required under the terms of any other condition attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 19430 002 revision B, 19430 003 revision B, 19430 005 revision B and 19430 006 revision B.
 - 2) Prior to the first occupation of the development hereby permitted, details of a water efficiency scheme to achieve a standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household shall be submitted to and approved in writing by the local planning authority. The development shall not be first occupied until the approved scheme has been completed in accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained in accordance with manufacturer's specifications.
 - 3) Notwithstanding the details as shown on the approved plans, all new window frames included in the development hereby permitted shall be constructed in timber.

Preliminary Matters

2. The appeal site address in the header and decision above is taken from the Council's decision notice and the appeal form. It is different to that on the application form but it accurately describes the location and extent of the site.
3. The description of development in the header is taken from the appeal form and the Council's decision notice. It is not quite the same as that on the application form but it is used by both main parties. My assessment is based on this description and the appeal plans. I have used the same description in my decision although I have changed the word "elevations" to "extensions" for reasons of clarity. No injustice would be caused by this amendment.
4. The application form states that the development has commenced. On my visit I saw the front of the building has been rendered and a wall and railings provided which apparently accords with details as shown on the appeal drawings. As such, the development has started, although from my visit I was unable to ascertain whether the subdivision of the building or the alterations to the rear have been carried out.

Main Issue

5. The main issue is the effect of the development on roadside parking and any subsequent effect on the occupiers and users of nearby properties.

Reasons

6. Policy TR3 of the Warwick District Local Plan 2017 (LP) looks to ensure that development makes provision for parking which has regard to the location and accessibility of the site by means other than the private car. At the same time, the policy sets out an expectation that development will comply with parking standards. I am referred to the Council's Parking Standards 2018 (the PSs)
7. The submissions indicate that the appeal property is a single dwelling with 5 bedrooms. The PSs set a standard of 3 allocated parking spaces for all dwellings with 4 or more bedrooms. The proposal would result in 2 dwellings, each with 3 bedrooms. The PSs require at least 2 parking spaces for each of these dwellings making a total requirement of 4 spaces. As such, under the terms of the PSs, the proposed development would result in the need for 1 extra parking space over and above the existing situation.
8. The appellant contends that the proposed dwellings would together generate a need for 2 to 3 spaces. However, the 2011 Census car ownership data that form the basis of this contention are now rather dated. Also, car ownership data fail to take into account demand for parking from visitors. As such, I find the PSs provide a more realistic basis for assessing the development's parking requirements than the figures suggested by the appellant.
9. The appeal property has no parking space for vehicles and so the proposed development would not comply with the PSs parking requirements. Instead, it is likely that car owning residents and visitors that drive to the proposed dwellings would need to rely on nearby roads for parking. The appellant refers to several car parks but from my observations these would be too far away from the appeal property to provide realistic parking options for residents and visitors.

10. The PSs recognise that a conversion development such as the appeal proposal may not be able to accommodate parking spaces. In such circumstances, a parking survey is required to be carried out in accordance with a prescribed methodology. Also, at paragraph 2.4, the PSs set out the circumstances where parking provision below the prescribed standards may be appropriate. These include a situation where the application site is located within an area which is highly accessible, such as in a town centre.
11. The appeal property lies on a short street which forms part of a network of roads in a predominantly residential area. At the same time, the property is a short walk from the B4087 where there is a range of shops and food outlets. Bus stops on the B4087 and about 200m from the appeal site would allow convenient access for future residents to buses to and from Coventry, Warwick and Stratford. The B4087 leads over the River Leam to the main part of Leamington town centre where there is a broader range of services and facilities. Again, these would be within reasonable walking distance from the proposed development. Leamington train station is about 600m away and so within a fairly comfortable walking distance from the appeal property. In light of this context, the appeal site lies in a highly accessible area. As such, parking provision lower than that specified under the terms of the PSs is justified.
12. In line with the PSs the appellant has carried out surveys of parking on several roads local to the appeal property. As well as night time, morning and evening surveys the appellant has carried out a survey on a Sunday morning in an attempt to understand the parking effects of local places of worship. Concern is raised that the appellant has not reported the findings of these surveys in the manner stipulated in the PSs. However, in their final comments, the appellant includes and refers to a table of figures provided by an interested party which is in a format compliant with the PSs' requirements. This table provides a reasonable understanding of parking on local roads as identified over 2 night-time surveys.
13. Mill Street itself is mainly subject to double yellow line parking restrictions and so it provides only 3 or 4 roadside parking spaces. These were all occupied at the time of the night time parking surveys. Moreover, the figures provided indicate that the number of cars parked on most local roads was more than the theoretical parking capacity of those roads, thereby suggesting high parking stress. However, it is noteworthy that both night time surveys found actual parking was significantly below theoretical capacity on Gloucester Street and Mill Road. These roads are both within 200m of the appeal site.
14. While the PSs requires a parking survey to be carried out, no guidance is brought to my attention on how the findings of any survey are to be used to ascertain an unacceptable effect on amenity. For example, the PSs do not require all streets within close proximity of the appeal site to be free of high parking stress in order for the scheme to be deemed acceptable. In general terms, I note that many nearby residences include no off-road parking facilities. As such, a high demand for street parking is likely and this is borne out by the results of the parking surveys. However, the night-time surveys suggest that parking stress is not excessive on 2 streets that are within a short walking distance of the appeal property. This indicates spare roadside capacity exists to accommodate the small increase in parking demand as a consequence of the proposed development.

15. Concerns have been raised by interested parties over the amount of roadside parking and I appreciate that the uncertainty over finding a space could be frustrating. However, I am aware of no development plan policy that specifically resists new development where there is already high demand for kerbside parking. In any event, the PSs suggest parking linked to the proposed development would only be marginally higher than that associated with the appeal property if used as a single dwelling. As such, and given the capacity identified through the parking surveys on Mill Road and Gloucester Street, I am satisfied the proposal would have no discernible effect on the amenity of the area or nearby properties due to roadside parking.
16. Reference is made to a previous appeal decision for a development at the appeal property similar to the current scheme. The Inspector in that case dismissed the appeal due to concerns over parking. However, it would seem that the parking survey information before me was not available at the time of the previous appeal. In light of this additional evidence, it would not be inconsistent to arrive at a different view to the previous Inspector on the parking effects of the proposal. It is noteworthy that neither the Council nor the highway authority raise objections to the current appeal scheme on highway safety grounds.
17. In summary, I find the lack of parking facilities for the proposed development would be acceptable given the site's location near to services, the town centre and public transport links. Also, I conclude the development would avoid an unacceptable effect on the amenity of the area and the living conditions of occupiers of nearby properties by reason of demand for on-street parking. In these regards, the development would accord with LP policies TR3 and BE3. The scheme would not include parking facilities in line with the PSs but for the reasons given, an exception to the guidance is justified in this case.

Other Matters

18. Interested parties have raised other concerns with the proposal. The appeal site lies in Leamington Spa Conservation Area (CA) which covers a large part of the centre of the town. The area gains its significance at least partly from the large number of attractive historic buildings. The appeal property is of an age and appearance so as to make a positive contribution to the CA. The proposed development would not meaningfully alter the visual qualities of the site and its surroundings and so it would preserve the character and appearance of the locality. A planning condition could be imposed to ensure sympathetic window frames are used in the construction of the development.
19. There are a number of listed buildings in the vicinity of the site but the development would not affect the setting or significance of any heritage asset. Also, the proposed dwellings would be provided with appropriately sized back gardens where bin and cycle storage facilities could be sensitively located.
20. The site is in an area identified as being at medium flood risk. The Council considers the proposed development would not materially increase the possibility of flooding nor cause flooding elsewhere. I find no reason to disagree with the Council on this issue, particularly given the small scale of the proposed extensions.
21. None of the above issues provide sufficient justification to refuse planning permission. As such, they do not affect my overall conclusion.

Conditions

22. I have had regard to the list of planning conditions suggested by the Council. In the interests of clarity and to ensure the development is carried out as proposed I include a condition that lists the approved plans. A condition on water efficiency measures is imposed to ensure the development minimises the use of natural resources. To ensure a satisfactory appearance, I include a condition on window frames. There is no need for the suggested condition regarding external materials as the appeal drawings include sufficient details.

Conclusion

23. For the above reasons, I find the scheme would accord with development plan policies. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR