



Appeal Decision

Site visit made on 4 April 2023

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2023

Appeal Ref: APP/M1710/W/22/3306943

26 Reynolds Drive, Alton, Hampshire GU34 2FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Darren Cattley against the decision of East Hampshire District Council.
 - The application Ref 59411/001, dated 20 March 2022, was refused by notice dated 28 June 2022.
 - The application sought planning permission for reserved matters pursuant to application 55428/001 – residential development of 138 dwellings together with associated internal access, parking and amenity space (Parcel 2A) without complying with a condition attached to planning permission Ref 55428/003, dated 11 July 2016.
 - The condition in dispute is No.8 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage hereby approved shall only be used (for the purpose of parking private motor vehicles) in connection with the residential use of the property and shall not, at any time, be used for living accommodation, business, commercial, industrial purposes or the storage of boats, caravans or trailers.
 - The reason given for the condition is: To ensure the adequate provision of on-site parking for the purpose of highway safety.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the planning application was submitted retrospectively, and I have dealt with the appeal accordingly, and on the merits of the appeal proposal.

Background and Main Issue

3. The appeal site is occupied by a detached two storey dwelling with an integral single garage. It lies on the south side of Reynolds Drive, within a suburban residential estate. Condition 8 of the reserved matters approval for Parcel 2A of the housing estate prohibits the use of the garage for any purpose other than the parking of private motor vehicles in connection with the dwelling.
4. The appeal scheme comprises the use of the majority of the original garage space as a laundry room, accessed internally via the hallway of the dwelling. An internal wall would separate the laundry room from an approximately 2m

deep area at the front, which would remain in garage use, but would be too small to accommodate a car.

5. With the above in mind, and having regard to the reason for the condition and the Council's reason for refusal, the main issue is whether the development provides for adequate on-site parking provision, having regard to the transport needs of the property and the effect of any lack of provision on highway safety.

Reasons

6. The Council considers the property to comprise a 4-bedroomed dwelling. As such, it considers that a minimum of 3 off-street parking spaces are required in accordance with Policy CP31 of the *East Hampshire District Local Plan: Joint Core Strategy* (2014) (the Core Strategy) and Policy TR5 of the *Alton Neighbourhood Development Plan* (2016) (as amended April 2021) (the ANDP).
7. The required parking was approved on the appeal site, under the original permission for the housing estate development, as an integral garage with 2 forecourt parking spaces side by side to the front of the building.
8. The supporting justification for Policy TR5 confirms the Council's intention to ensure new residential developments avoid harmful visual impacts and driver difficulties arising as a result of excessive on-street parking, including on verges and around junctions. It states that this situation had occurred on previous developments where former maximum parking standards were applied in the interests of reducing car ownership.
9. With the above in mind, and noting the location of the appeal site on the fringes of the town, outside the designated settlement boundary, where access to facilities and services by means other than the car would be more restricted than within the town centre, and car ownership levels would reasonably be expected to be higher, I consider the Council's adopted minimum car parking standards to be reasonable and appropriate for the purposes of the determination of this appeal.
10. The Council has confirmed that the housing estate as a whole, comprising 275 dwellings, was designed to accord with the ANDP parking standards. I saw, during my site visit, that on-street parking within the vicinity of the appeal site comprises specified parking bays on one side of the road only. These include a large number of designated visitor parking spaces, which, if in accordance with the ANDP standards, equate to one space per two dwellings. These spaces are interspersed with soft landscaped sections of highway verge. These green areas, together with landscaping around dwelling frontage parking, contributes to a pleasant townscape which is not over-dominated by on-site or on-street parking.
11. I saw no evidence of on-street parking congestion or illegal highway parking during my site visit. However, I acknowledge that this was carried out during a weekday afternoon, when the need for on-street parking would be reasonably be expected to be less than during the evenings or weekends.
12. Moreover, I share the Council's concerns that an incremental reduction in on-site parking availability could reasonably lead to an associated incremental increase in dwelling occupiers parking in the on-street parking spaces, including within those designated as visitor spaces. This could logically lead to

- a proliferation of verge and potentially dangerous roadside parking near junctions, if the existing designated on-street parking were unavailable.
13. Such illegal parking could potentially give rise to traffic congestion, difficulties for drivers, and, having regard to the open plan nature of the development, potential associated conflicts between drivers and pedestrians, resulting in harm to the safety of road users.
 14. In coming to this view, I have taken account of the predominantly residential nature of the area, which includes large family-sized houses as well as small units. As such, it is reasonably likely that users of the footways within the vicinity of the site would include more vulnerable pedestrians, such as children and elderly. I have also taken account of the proximity of the appeal site to a road junction, where highway safety risks associated with any illegal on-street parking would potentially be greater.
 15. The appellant contends that the appeal scheme would enable the retention of an amount of parking in accordance with ANDP Policy TR5. This is on the basis of either the size of the existing dwelling, or the availability of on-site parking for 3 cars in front of the building.
 16. In the first instance, the appellant contends that the dwelling is a 3-bedroomed property on account of the fourth bedroom being too small to 'legally' comprise a single bedroom, and therefore being used as a study. However, no cogent evidence has been provided to support this view, such as a first floor plan, detailed bedroom dimensions, or an explanation of what constitutes the appellant's definition of 'legal'. Moreover, the Council has confirmed that the dwellings on the estate comply with the DCLG Technical Housing Standards (2015), and, on the basis of the evidence before me, I have no reason to disagree.
 17. Moreover, there is no demonstrative evidence before me that the appeal site can satisfactorily accommodate the parking of 3 cars in front of the dwelling in manner which would retain sufficient landscaping, in the interests of visual amenities, and which would ensure that cars do not overhang the public footpath, in the interests of highway safety. The appellant has not provided a dimensioned parking plan indicating how the forecourt parking could be achieved. Nor were any cars parked on the site when I undertook my site visit.
 18. My attention has been drawn to two recently approved planning applications¹ for the conversion of garaging into living accommodation. The Council has confirmed that in the case of the former approval, three parking spaces were shown to be provided at the front of the property. With regard to the latter, the Council has confirmed that the applicant demonstrated that one bedroom could not accommodate a bed, and, as such was more akin to an office.
 19. In the case of the current appeal scheme, the appellant has not provided sufficient demonstrable evidence that either of the above means of providing sufficient on-site parking can be satisfactorily achieved. As such, I am not persuaded that these approvals justify allowing the appeal scheme.
 20. Neither is there is sufficient cogent evidence before me to support a third party assertion that the existing garages on the estate are impractical for use as parking.

¹ Refs 59601 and 59404/001

21. For the above reasons, I therefore conclude, on the basis of the evidence before me, that it has not been satisfactorily demonstrated that the appeal scheme would provide adequate on-site parking provision, having regard to the transport needs of the property and the effect of any lack of provision on highway safety. The proposal would therefore be contrary to Core Strategy Policy CP31 and ANDP Policy TR5, which, amongst other things, require development proposals to provide adequate, convenient and secure vehicle parking in accordance with adopted standards.
22. This accords with advice in the Framework which seeks to ensure that development proposals create places that are safe and minimise the scope for conflicts between pedestrians, cyclists and vehicles (Paragraph 112).

Other Matters

23. Notwithstanding that the Framework requires the Council to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh the harm I have identified in respect of the main issue.
24. The Council has raised no objection to the appeal scheme in respect of matters including design and impact upon neighbouring living conditions. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the harm I have identified in respect of the main issue.
25. Whilst I have noted that the appellant was unaware of the requirement to obtain planning permission for the appeal scheme, this does not justify the appeal scheme or outweigh the aforesaid harm that I have identified.
26. Neither am I persuaded, on the basis of the information before me, that the appellant's stated need for additional storage and utility room facilities cannot be met by other means within the appeal site. As such, this, in itself, does not justify allowing the appeal scheme.
27. Moreover, the installation of EV charging facilities and the retention of cycle storage at the appeal site do not justify or outweigh the harm that I have identified.
28. Condition 8 applies to the whole of Parcel 2A of the Cadnam Farm residential development. I have noted the Council's view that the appellant should have submitted a full planning application instead of an application under s73, seeking a blanket variation of condition 8. However, were I minded to allow the appeal, it would have been open to me to impose a condition that maintains the general restriction except in relation to the appeal site. As such, for clarity, my decision has not been influenced by the form of application that was submitted.

Conclusion

29. For the above reasons, I conclude that the appeal should be dismissed, and condition 8 retained in its present form.

S Leonard

INSPECTOR