



Appeal Decision

Site visit made on 6 December 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/E2340/W/22/3302511

My Dentist, Harrison Street Dental Practice, Harrison Street, Barnoldswick BB18 5DY

- 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 My Dentist against the decision of Pendle Borough Council.
 - The application Ref 21/0972/FUL, dated 10 December 2021, was refused by notice dated 29 March 2022.
 - The development proposed is Formation of first floor extension with pitched roof, additional four air conditioning units and alterations to window/door openings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development has been amended to reflect the changes which include the removal of the proposed off-street car parking spaces on the west side of Harrison Street. The appellant has indicated on the appeal form that the change was agreed, and the planning committee minutes reflect this. Accordingly, I have used this in the banner heading above and I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety, with particular regard to parking.

Reasons

4. The appeal site comprises an existing dental practice which is a single storey detached building and its car park, accommodating 5 parking spaces. It is located within a predominantly residential area within the settlement boundary of Barnoldswick. Harrison Street is a two-way residential road that provides direct access to the existing dental practice site as well as a number of residential streets. The carriageway is subject to a 20-mph speed limit. There are pedestrian footways on both sides of the road. Residential properties in the immediate vicinity of the site do not have off street parking.
5. Although the appeal site is highly accessible by non-car modes of transport, the proposals will increase the capacity of this dental practice from two consulting rooms to six which will increase staffing levels and patient numbers to this site. Policy ENV4 of the Local Plan for Pendle Core Strategy 2011-2030 (2015) (the Core Strategy) requires new developments to comply with the existing

maximum car and cycle parking standards. For small healthcare facilities such as that proposed, it takes no account for its accessibility from public transport. The Council sets out that this equates for four spaces per consulting room for health facilities. As there would be no increase in on-site provision at all, there would be a significant shortfall against the above requirements. Most staff and patients arriving by vehicle would need to park off-site, and parking would overspill into the surrounding area. Although I note the guidance contained within paragraph 108 of the National Planning Policy Framework 2021 (the Framework) in respect of maximum parking standards, the significant shortfall against the standard carries notable weight against the proposal.

6. The appellant's Transport Statement indicates that the car parking demand, of 6 vehicles in any hour arising from the new development, would be able to be accommodated on-street. My own observations noted there were more vehicles parked than the Parking Beat survey for the corresponding mid-morning time. Another example of the parking congestion is indicated in the photograph provided by the Council and from the interested parties. Whilst there may be parking capacity on Harrison Street, I also observed that parking was more focussed within closer proximity to the appeal site. I also noted several vehicles were mounted on the pavement.
7. The appellant contends that there are various public car parks within the vicinity of the site, which could be used and promoted instead of on-street parking. Rainhall Road car park is located close by for future patients. The evidence suggests this would maintain more than sufficient capacity to accommodate the enlarged dental practice. Again, although I observed a greater level of occupancy than the car park survey, the car park clearly had capacity and there is no other evidence this becomes congested unlike Harrison Street.
8. Although the Rainhall Road and other car parks are currently free of charge to use, patients cannot be relied upon to use them even with a management plan and promotion of them. To my mind those with mobility issues would find it difficult to use the steps from the nearest Rainhall Road car park exit point, and the accessible path from it is narrow. The access point onto the adopted side street to 38 Rook Street is also stepped and there is nothing to prevent parking in front of it. The awkwardness of the car park access and absence of parking restrictions would make parking closer to the appeal site on Harrison Street more attractive.
9. Given the narrowness of the streets, absence of off-street parking for residents and sensitivity of nearby land uses, additional traffic would find it challenging to manoeuvre around the roads. At times of more congestion, such as at the start and end of the school day, there would be minimal space to pull in, and additional conflict around the junctions as the road network requires doubling back from Lower Park Street and Clarence Street back past the site. Notwithstanding the existing congestion created by the school day is already a feature and there are not high speeds, the introduction of more vehicles, in the proximity of the appeal site would add extra potential for conflict between all road users, particularly if additional vehicles were parked on the corner of junctions which would obscure visibility.
10. I note that the Local Highway Authority (LHA) considers the car park to be a suitable alternative given its proximity subject to a management plan and

conditions to promote its use. The LHA have clearly set out this includes minor improvements which would also include a requirement to progress a Traffic Regulation Order (TRO). This would be to prevent parking close to the junctions for the benefit of pedestrian safety and for drivers to emerge with improved sight lines. However as this would need to be subject of a TRO and a detailed design there is no certainty it could be implemented. As such I give these provisions limited weight. On the basis of the information before me, I cannot conclude that the proposal makes adequate provision for parking without detriment to highway safety.

11. Therefore, I find conflict with policy ENV4 of the Core Strategy. Alongside requiring compliance with parking standards these seek to ensure development should have regard to the potential impacts they may cause to the highway network. This is in terms of safety and congestion and to ensure adequate mitigation measures can be put in place. The proposal would also conflict with Paragraph 111 contained in chapter 9 of the Framework. This also seeks to ensure safe and suitable access can be achieved for all users and highway safety.

Other Matters

12. An assessment is contained in the officer report as to the impact on neighbouring living conditions, extract systems and trees. The Council found the proposal acceptable in these respects. There is no evidence to the contrary that the proposed first-floor extension would not result in an adverse impact in terms of residential amenity due to the relationship and distances involved and option for obscure glazing. Whilst I see no reason to disagree these are neutral factors which weigh neither for nor against the proposal.
13. There would be limited visual benefits arising from the pitched roof over the existing flat roof structure. There would be economic benefits in the short-term during construction and long term upon completion. There would be some social and community healthcare benefits from the provision of a modern facility, however as this combines two existing surgeries, this would be limited. Any redevelopment of the Park Avenue Practice back to a residential use would be subject of a future planning application which carries little weight at this time. As such the policy compliance of other matters and benefits of the development are significantly outweighed by the harm.
14. The appellant has drawn my attention to the pre-application advice given by the Council and that it was recommended for approval by officers. However, these matters do not affect my consideration of the planning merits of the proposal.

Conclusion

15. In conclusion, the benefits set out above must be balanced against the harm I have identified in terms of highway safety and provision of adequate parking. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, which outweighs the identified harm and associated development plan conflict.

16. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR