



Appeal Decision

Site visit made on 16 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/W1850/W/22/3311527

Briar Bank, 49 Bank Crescent, Ledbury, Herefordshire HR8 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions
 - The appeal is made by Ms Julie Evans against the decision of Herefordshire Council.
 - The application Ref 220374, dated 6 February 2022, was approved on 21 June 2022 and planning permission was granted subject to conditions.
 - The development permitted is "small scale demolition works with new single rear and two storey side extension to existing property at 49 Bank Crescent."
 - The condition in dispute is No 3 which states that "Prior to the extension hereby approved being first brought into use, an area shall be laid out within the curtilage of the property for additional parking provision in accordance with drawing number DR-LED-A-PL-105-03. The area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles."
 - The reason given for the condition is: "In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."
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Decision

1. The appeal is allowed and the planning permission Ref 220374 for development described as "small scale demolition works with new single rear and two storey side extension to existing property at 49 Bank Crescent" at 49 Bank Crescent, Ledbury HR8 1AF, granted on 21 June 2022 by Herefordshire Council is varied by deleting condition No 3.

Application for costs

2. An application for costs was made against Herefordshire Council by the appellant. This application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission for development described in the banner heading was approved on 21 June 2022. This planning permission included a number of conditions, one of which requires the provision of additional parking prior to the extension first being brought into use. This condition also restricted the use of this space for the parking of vehicles.
4. The Council's statement indicates that the condition is necessary in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway. This is consistent with the reasons for the condition given on the decision notice.

5. Taking the above into account the main issue is whether the condition is reasonable and necessary in the interests of highway safety, in particular in relation to the free flow of traffic using the adjoining highway.

Reasons

6. The appeal site is a large detached 3-bedroom dwelling. The site is located on Bank Crescent, on which there are no car parking restrictions. The site is located approximately 650 metres from Ledbury railway station and a similar distance from the town centre, and I observed at my site visit that these facilities and services could be reached on foot.
7. The application subject of this appeal granted planning permission for a 2-storey side extension which would displace an existing parking space. Thus, it is stated, it is necessary to condition the provision and retention of additional parking to ensure that the proposal does not compromise the free flow of traffic on the adjoining highway network. Furthermore, the Council state that a proposed study has the capacity to be used as an additional bedroom, which would further increase the occupancy of the dwelling.
8. At my mid-morning site visit I observed that Bank Crescent contained a number of driveways with opportunities to park on the road in between. Where there were parked cars on the road, they did not appear to impede the free flow of traffic. I appreciate that my site visit took place during the daytime, and that at other times there may be more vehicles parked on the road. Nonetheless, whilst the Council have indicated that there is limited on street parking, I have not been presented with substantive evidence of this or how it leads to problems with the free flow of traffic and the safe operation of the highway. Furthermore, I note that the site is well located in relation to a number of services and facilities necessary for day to day living, which could reduce reliance on private vehicles.
9. Notwithstanding the above, and even if I were to accept that the study could be used as a bedroom, I note that the parking standards set down in Herefordshire Council Environment Directorate Highways Design Guide for New Developments Design Guide (2006) (DG) are maximum parking standards which would not be exceeded by the proposal and that the DG and the Herefordshire Council Local Transport Plan 2016–2031 (2016) (LTP) do not specify minimum parking standards.
10. On balance of the above, I have not been presented with any compelling evidence that the proposal would prevent the free flow of traffic on the adjoining highway network. I therefore conclude that a condition to control the provision and retention of additional car parking is not reasonable or necessary in the interests of highway safety. As such the appeal proposal would accord with the aims of Policy MT1 of the Herefordshire Local Plan–Core Strategy 2011-2031 (2015) (LP) which requires that development should demonstrate that the highway network can absorb the traffic impacts of development without adversely affecting the safe and efficient flow of traffic on the network and requires regard to be had to the location of the site and need to promote sustainable travel choices. It would comply with paragraph 111 of the National Planning Policy Framework (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed, and the planning permission varied by deleting the disputed condition, retaining the standard three year time limit condition for implementation and the condition which specifies the approved plans in the interests of certainty.

Nichola Robinson

INSPECTOR