



Appeal Decision

Site visit made on 26 September 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal Ref: APP/W1850/W/23/3316892

3 Ardley Meadows, Whitbourne, Herefordshire WR6 5SL

- 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 Ms Kendale Everett against the decision of Herefordshire Council.
 - The application Ref 222671, dated 8 August 2022, was refused by notice dated 28 November 2022.
 - The development proposed is conversion of existing garage to sensory room with additional facilities.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety, with particular reference to parking.

Reasons

3. The appeal site consists of a 4-bedroom detached house with a driveway leading to a detached garage building. The driveway has space for 2 parking spaces in a tandem parking arrangement.
4. The site is located within Ardley Meadows, a residential cul-de-sac. The majority of the properties have off-street parking on driveways, and some have garages.
5. Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-2031 (2015) states that development should have regard to the Council's Highways Development Design Guide and vehicle parking standards, which requires 3 parking spaces for a 4-bedroom house. The dwelling currently complies with this parking requirement.
6. The proposal would result in the garage parking space being lost. I note Condition 9 of planning permission P133439/F states that "*the garages and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.*" The Council indicate that this condition was imposed to ensure that the garage parking space remained at the property in accordance with policy.
7. At the time of my site visit, I found limited kerbside space for on-street parking available in reasonable proximity to the appeal property, due to the existing driveway accesses to neighbouring properties. I also saw the ad hoc parking at the turning head of the narrow cul-de-sac, which reduced manoeuvring space

for vehicles. I am also mindful that my site visit took place during the day and that the peak time of demand for parking in this residential area is likely to be in the evening and at weekends.

8. The loss of the garage parking space would result in the displacement of parked vehicles onto the street within the locality of the appeal site. Vehicles parked on the narrow street would reduce visibility for drivers and would obstruct cyclists, pushing them towards oncoming traffic and creating a potential hazard from car doors opening. Vehicles parked on the street next to No 3 would also reduce visibility of drivers leaving the appeal site, causing awkward manoeuvring when accessing and egressing the driveway.
9. Furthermore, the narrowness of the road would cause inconsiderate parking on the footway, resulting in hazards for pedestrians from car doors opening and the narrowing of the footway, which would reduce access for pedestrians, children's pushchairs and wheelchair users. This would result in unsafe conditions for pedestrian and vehicle users of the highway. Vehicles parking indiscriminately could also block vehicular access to the other dwellings within the cul-de-sac.
10. I acknowledge that the current owners of the dwelling do not use the garage as a parking space and only require two parking spaces on the driveway. Nevertheless, the proposal to remove the garage parking space would lead to a reduction of off-street parking that would exacerbate parking stress in the area. This is because the 4-bedroom dwelling could be occupied by a large family. Such a family could consist of several adults and teenagers who require the use of private vehicles and therefore space to park. Off-street parking space would also be required for visitors.
11. The appellant refers to a 'home zone' area within the street and suggests this has been designed to reduce car dominance and reduce speeds. However, there is no substantial evidence before me to indicate that this has reduced car dominance or traffic speed. Moreover, I am not satisfied that taking a more flexible approach to parking standards within this area would be appropriate and as such there is no convincing reason why the appeal site should not provide the required 3 spaces.
12. Therefore, it has not been demonstrated that the proposal would not have an adverse impact on pedestrian and highway safety. A condition requiring the garage to be returned to its former use should the appellant sell the property would not be reasonable, as it would be difficult for the Council to enforce and resist a similar proposal. It could also set an undesirable precedent.
13. For the reasons given, and in the absence of substantive evidence to the contrary, the proposal would result in an unacceptable impact on highway and pedestrian safety. As such, it would fail to accord with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-2031 (2015), and Policy LU4 of the Whitbourne Neighbourhood Development Plan 2011-2031 (2016). Collectively, these policies amongst other things, seek to ensure developments provide adequate highway safety for all users. In addition, the proposal would fail to accord with paragraph 111 of the National Planning Policy Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. I note the personal circumstances advanced by the appellant with regard to the need of the family member as set out in the appellant's statement of case. While I sympathise with the appellant's desire to convert the garage into a sensory room for their relative, I have borne in mind that the development will remain long after those circumstances have ceased to be material. In addition, there is no substantive evidence to suggest this cannot be achieved within the main dwellinghouse. Therefore, whilst I acknowledge the personal circumstances of the appellant, as well as the needs of their family member, I conclude that these are not matters which outweigh the harm I have identified to highway and pedestrian safety which would result from the loss of the garage parking space.

Conclusion

15. The proposal would conflict with the development plan as a whole, and there are no other considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR