
Appeal Decision

Site visit made on 13 March 2024

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2024

Appeal Ref: APP/C2741/W/23/3332502
17 Landalewood Road, York, YO30 4SX

- 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 Baris Hazar against the decision of City of York Council.
 - The application Ref. 23/00439/FUL, dated 2 March 2023, was refused by notice dated 8 September 2023.
 - The development proposed is subdivision of one dwelling into two flats.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of one dwelling into two flats at 17 Landalewood Road, York, YO30 4SX in accordance with the terms of the application, Ref. 23/00439/FUL, dated 2 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1/1, 2/4, 3/4 and 4/4.
 - 3) Prior to the development commencing, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.
 - 4) The building shall not be occupied until the area shown on the approved plans for parking and manoeuvring of motor vehicles has been constructed and laid out in accordance with the approved plans, and thereafter such area shall be retained solely for such purposes.

Main Issues

2. The main issues are whether the development would be provided with suitable parking provision and the effect on the character and appearance of the area.

Preliminary Matters

3. Although referenced in the Council's reason for refusal, it was confirmed during the course of the appeal that the Subdivision of Dwellings Supplementary Planning Document (SPD) (2012) and Highway Design Guide SPD have been

suspended by the Council and are attributed no weight or status. As such, I have not taken them into account.

Reasons

Parking

4. There is no disagreement between the parties that the two flats to be created should each be provided with a parking space measuring of 4.8m x 2.4m. This provision is made within the scheme, two such parking spaces having been clearly marked on the submitted drawings. Relying on a document titled 'City of York Council Vehicle Crossings Policy' (22 June 2021), the Council argues that additional space is also required beyond the parking space, totalling 5.5m in length when located away from openings such as doors, or 6m in other cases. The existing garage door is to be infilled as part of the development and so one of the parking spaces fully accords with the Council's request.
5. The second parking space would be 0.35m short of the suggested 6m length, resulting in 5.65m between the front door and the back edge of the pavement. However, a distance of 0.85m would be available beyond the parking space, should any parked car fill its entire length, for access to the inward opening door. It is difficult to see why this should be insufficient, even as an entrance to two separate flats. The frontage of the property is sufficient in width to accommodate two cars and space for people to walk past.
6. The Vehicle Crossings Policy appears to have been produced primarily for considering crossings under S.184 of the Highways Act 1980, which is not the purpose here. Even if the Local Highway Authority seeks to apply it for any application under the Highways Act, its relevance to any application for planning permission is not clear. At best, the document can be considered a material consideration to which I attach very limited weight given the absence of a detailed explanation surrounding its status, any public consultation undertaken before adopting it, and bearing in mind that it does not form part of the development plan.
7. For the reasons I have set out, the proposed parking arrangements are suitable. I see no reason why the parking spaces would not be used and therefore, no reason why the development should lead to additional on-street parking or any obstruction of the highway.

Character and appearance

8. The area is a housing estate characterised by driveways on the frontage of properties. The proposed parking arrangement would extend the width of the existing driveway, allowing a further vehicle to park on the frontage but this would be very similar to many other properties in the street and surrounding area. The area in question comprises of gravel with no greenery or planting and the development would not materially detract from the appearance of the street or appear uncharacteristic.

Conditions

9. The Council has suggested a number of conditions in the event that planning permission is granted. I have imposed the standard time period for commencement of development and a requirement to undertake the works in accordance with the submitted plans, to clarify the terms of the permission. It

is also necessary to secure the proposed parking spaces in the interests of highway safety, along with cycle parking to promote sustainable modes of travel and reduce reliance on private vehicles.

Conclusion

10. The proposed development would be provided with suitable parking facilities and would not harm the character and appearance of the area. As such, I find no conflict with Policy D1 of the City of York Draft Local Plan (2018); Policy GP1 of the City of York Draft Local Plan (2005); the National Planning Policy Framework; or the National Design Guide. I attach very limited weight to the minor conflict with the Council's 'Vehicles Crossings Policy' and this is readily outweighed by the benefit of providing an additional dwelling, in the context of a national and local need.

11. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR