
Appeal Decision

Site visit made on 24 May 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal Ref: APP/W3005/D/24/3340842

19A Hampden Street, Kirkby in Ashfield, Nottinghamshire NG17 8DQ

- 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 David Brown against the decision of Ashfield District Council.
 - The application ref: V/2023/0681, dated 30 November 2023, was refused by notice dated 5 February 2024.
 - The development proposed is for a change to car parking space and boundary fencing along Bulwer Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant describes the proposed development in the following terms:-
'We would like permission to undertake the following alterations
1) convert existing car park space at rear of property to garden with fence extended to block entrance on Bulwer Road.
2) convert existing grass area at side of property(Bulwer Road) to additional tarmaced car park space to compensate for loss of space at 1 with existing fence panel and gate moved up 2 fence panel lengths to enclose proposed outbuilding.
3) change fence panel size to 3 full height 5 foot panels at side of property(Bulwer Road). This will accommodate the construction of a small outbuilding which i have been advised no planning permission is necessary'.
3. The local planning authority (LPA) describes the proposed development as *'for a change to car parking space and boundary fencing along Bulwer Road'.*
4. In the interests of conciseness, I have used the LPA's description of development in the banner heading above.

Main Issues

5. The main issues are (i) whether off-street car parking provision would be adequate and (ii) the effect of the development upon the character and appearance of the area.

Reasons

Off street parking

6. On 27 May 2022, planning application V/2022/0105 was approved for the appeal property, being a two storey, four-bedroom, detached dwelling on the corner of Hampden Street and Bulwer Road, subject to conditions. The conditions relating to off-road parking were discharged on 20 June 2023 under application V/2023/0272.
7. The approvals provide for 3 off-road parking spaces, two in the front amenity space of the dwelling and where the whole frontage has been hard surfaced in tarmacadam, and a third in the rear amenity space, accessed from Bulwer Road.
8. The parking space in the rear amenity space is fenced around and is separated from the rest of the rear garden. The proposal is to remove the parking space and its fencing so as to create a larger garden area, and to replace the parking space elsewhere within the domestic curtilage by creating two tandem spaces along the gable of the dwelling and parallel to Bulwer Road. The available width between the gable and a fence line would be 3 metres. The third parking space would remain in the front amenity space.
9. The LPA, in its officer report, refers to the undated Nottinghamshire Highways Design Guide (NHDG) which specifies that parking spaces which are physically bound on both sides should have a width of 3.6 metres. However, the Council's own Residential Parking Standards Supplementary Planning Document 2014 (SPD), which states that once adopted, residential development proposals should meet the local parking standards within it, contains no such limit.
10. However, notwithstanding that the width of the available space for tandem parking does not meet the width requirement of the NHDG, the necessary parking for three vehicles can be reasonably provided at the front of the dwelling where approval has already been granted for two spaces and for the hard surfacing of the total frontage to a width of approximately 10.6 metres under application no. V/2023/0272. This is notwithstanding that the length of the parking spaces falls somewhat short of the required 5.5 metres as contained in the NHDG. When permitting the proposal for two parking spaces at the front of the dwelling and taking into account the bay window to the dwelling and which protrudes into the parking area, the LPA, in its officer report, states that *'the spaces to the front are slightly under the 5.5 metres required. However, this was considered by the officer when assessing the full application as unlikely to be substantially detrimental to highway safety'*.
11. I find that the available hard surfaced front space of approximately 10.6 metres would provide sufficient room for a third parking area and where its length would be comparable to the two which are already approved.
12. I have also taken into account the opinion of the Highway Authority with regard to the proposed tandem parking to the side of the property that *'it is not clear whether the proposed new parking space is needed to meet the parking requirement associated with 19A Hampden Street'*.

13. Therefore, I conclude that, while there is some conflict with the parking dimensions in the NHDG, adequate parking provision would be provided within the curtilage to the property, such that no unacceptable harm would result to highway safety by the removal of the parking space in the rear amenity space to the dwelling. It would accord with policy ST1 of the Ashfield Local Plan Review 2002 (LP) which supports development which will not adversely affect highway safety. Policy ST2 is not relevant to parking provision as it is concerned with concentrating development within the main urban areas.

Character and appearance

14. The area, especially on Bulwer Road, is characterised by dwellings with front gardens with small boundary walls to the pavement. The appeal proposal is to amend the existing fence to the appeal property which abuts the pavement to Bulwer Road, and which would have a maximum height of approximately 1.76 metres, though less towards the front elevation of the dwelling.
15. The approved plans for the appeal property show an open side to it of approximately 3.15 metres in width when facing Bulwer Road, with no fencing. It is only the rear garden area to the property, set back in this way from Bulwer Road which includes fencing.
16. The low walls to the properties on Bulwer Road contribute to the spaciousness of the area and this adds distinctively and positively to its character and appearance. The construction of the proposed close boarded fencing, by its height and position abutting the pavement to Bulwer Road, would materially harm its character and appearance.
17. Therefore, I conclude that the proposed fencing would not accord with policies ST1 of the LP or with chapter 12 of the National Planning Policy Framework 2023, which promote good design and which states that development should take into account and reflect the character and appearance of the area. Policy ST2 is not relevant to the impact upon the character and appearance of the area, being concerned with the general location of development.

Conclusion

18. While I have found that the development would not be so contrary to LP policy relating to car parking to justify the dismissal of the appeal, I have concluded that the proposed boundary treatment would materially harm the character and appearance of the area. This is a matter of overriding concern. Therefore, when the proposal is considered as a whole, I conclude that it should be dismissed.

S. Hartley

INSPECTOR