



Appeal Decision

Site visit made on 23 May 2024

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/E2001/W/23/3335862

Land south of 36 Station Court, Hornsea HU18 1QD.

- 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 Trevor Prescott (DJ Prescott (Builders) Ltd) against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/00245/PLF dated 23 January 2023, was refused by notice dated 6 October 2023.
 - The development proposed is erection of a dwelling and provision of car parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not there would be an adverse impact on highway safety.

Reasons

3. The appeal site is located on the west side of Station Court, a narrow route designed as a shared surface cul-de-sac of mainly two storey housing. Its limited width reduces opportunities for on-street parking without resulting in obstruction.
4. From planning records the design of the original scheme for Station Court proposed the appeal site as a shared parking court to provide off-street provision for the short terrace of housing at Nos 38-42 and visitor parking. Up until relatively recently the site has been used for this purpose. However, in 2020, a metal palisade fence was constructed across the frontage to the site.
5. Inclusion of the appeal site as a parking area was part of the planning permission Ref G385U dated 29 December 1987. This had a Condition No 2 imposed requiring submission of details of parking amongst other things and Condition No 4 requiring the provision of these spaces prior to first occupation of the properties and their retention thereafter. It has been put to me by the appellant's legal adviser that Condition No 4 cannot be taken to apply to parking provision. However, I am satisfied from the evidence that Condition No 4 clearly refers to completion of the facilities referred to in condition No 2i)d) i.e., the parking provision. A subsequent variation to Ref G385U, relating to the area of the appeal site and surroundings, was also approved dated 02 June 1988 with a Condition No 4 also requiring the provision of the parking prior to occupation. This condition had no requirement for details to be submitted. The condition remains clear in its intent and would be enforceable.

6. Plans of what was proposed are in existence, as shown in the appellant's statement. It is also evident on site from the construction of the highway and the demarcation of a turning head into the appeal site by the use of a different colour of paving blocks, that the site was set out to be used in the way first intended. Indeed, until relatively recently it has been used for that purpose.
7. Based on the appeal submissions and what I observed on site and, notwithstanding the absence of hard evidence that the proposed parking scheme was approved by the Council, it would be reasonable to conclude that the appeal site was allocated as parking for the housing development and used for that purpose. I have no reason to reach a different decision in that respect to my colleague inspector considering a similar appeal (Ref APP/E2001/W/21/3271889).
8. It has been put to me that, as the houses in the terrace south of the appeal site were not laid out in accordance with the approved plans, the whole permission G358U has not been lawfully implemented and therefore conditions relating to the permission cannot be enforced. However, the variation in laying out the terrace is small and, from the appeal documents submitted, does not appear to have changed what was already a position where no on-plot parking was proposed.
9. Even if I was to find that there is no basis to conclude the authorised use of the site was for communal shared parking, the result of developing the site for housing still has to be assessed against the impact on highway safety a matter to which I now turn.
10. The application first proposed the provision of parking on the frontage for both the new house and Nos 38 and 40 to the south. In response to Highway Authority concerns regarding the dimensions of the proposed bays a revised scheme was submitted reducing provision to just two spaces for the new house and this is the scheme before me.
11. The parking provision for the new house itself would accord with parking standards and although concern has been expressed about cars manoeuvring out into the street, this arrangement would be no different to anywhere else on the street. However, the construction of the house would leave no off-street parking provision available for the short terrace of three properties to the south. Whilst No 42 could be argued to have space for a small car to the side parked clear of the shared surface highway, Nos 38 and 40 would have no such space, resulting in occupants' cars being parked on-street.
12. I acknowledge the evidence about the lack of recorded accidents in the vicinity of the appeal site. However, this relates to a period where there has been a reasonable level of off-street parking provision minimising parking stress. It has been put to me that the site, being fenced off since 2020, demonstrates that loss of the site for parking has had no material impact. However, this is not the case, as there is currently sufficient space between the carriageway and the fence for parking at right angles to the road. Post-development, this space would no longer be available and the incidence of on-street parking would increase. The nature of Station Court as a shared surface highway is such that its safe operation depends on good visibility along the street and the absence of parked vehicles causing actual and visual obstruction in the carriageway. The displaced parking as a result of the development would impact on this open visibility, restrict the free flow of traffic and be a significant risk to highway safety for road users and pedestrians.

13. For the reasons given above, the proposed development, as a result of the displacement of off-street parking, would result in an unacceptable impact on highway safety and on the efficient use of the highway. The proposed development would therefore conflict with Policy ENV1 of the *East Riding Local Plan Strategy Document* (ERLPSD), which requires development to promote equality of safe access, movement and use amongst other things. It would also conflict with Policy EC4 (C3) which requires parking in new development to make the most effective use of space. It would also not accord with the *National Planning Policy Framework* at paragraph 115 which states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. I accept that the proposal would provide a new family house in a sustainable location in Hornsea. In that way it would make a small contribution to providing a mix of housing in Hornsea as sought by ERLPSD Policy H1. I also acknowledge that it would constitute the effective use of land on small housing sites encouraged by the Framework at Paragraph 70 supporting the Government's objective to significantly boost supply and in line with ERLPSD Policy H4 seeking the effective use of land. Notwithstanding these benefits, there is no urgent need for the proposed housing. The Council in this case can demonstrate in excess of a 5 year supply of housing land and the latest available *Housing Delivery Test* demonstrates that housing delivery is also well ahead of target. The policies concerned in the delivery of housing can therefore be considered up to date and the 'tilted balance' set out in paragraph 11 of the Framework would not apply.
15. The appeal site lies just outside the Hornsea Conservation Area. The current undeveloped nature of the appeal site does allow some views through to the Conservation Area but these are limited and the site does not represent an important open feature in the setting of the Conservation Area. The scale and design of the proposed development would be in keeping with the properties on Station Court and would have no greater an impact on the Conservation Area than the existing housing. The proposed development would not therefore harm the setting of the Conservation Area and would preserve its character and appearance.
16. At the entrance to Station Court to the north east is the former railway station which is a grade II listed building. The appeal site is separated from the listed building by existing residential properties and the proposed dwelling would be in keeping with the scale and design of these existing houses. Given this context, the proposed dwelling would not harm the setting or significance of the listed building. In reaching this conclusion, I have had special regard to the desirability of preserving the setting of the listed building.
17. Third parties have expressed concern at the presence of the metal palisade fence across the frontage of the site. However, I understand that this is subject to separate enforcement action by the Council and it is not a matter before me.

Conclusion

18. In conclusion, the satisfactory design and absence of harm to living conditions and heritage assets is no more than would be expected of any development and is therefore neutral in the balance. I have had regard to the other benefits above, put forward in support of the proposed development. However, these benefits do not, individually or cumulatively, outweigh what would be the unacceptable impact

on highway safety due to the displacement of off-street parking onto the street as a result of the development.

19. For the reasons given above, the proposed development would be in conflict with the development plan taken as a whole and the benefits would not amount to the material considerations that would indicate a decision should be made other than in accordance with the development plan. I therefore dismiss the appeal.

P. D. Biggers

INSPECTOR