



Appeal Decision

Site visit made on 9 January 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/V2004/W/24/3347901

8 Inglemire Lane, Kingston Upon Hull HU6 7TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Syed Rashid against the decision of Kingston Upon Hull City Council.
 - The application Ref is 24/00174/FULL.
 - The development proposed is change of use from single dwelling to two self-contained flats with parking in front garden.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single dwelling to two self-contained flats with parking in front garden, at 8 Inglemire Lane, Kingston Upon Hull, HU6 7TA in accordance with the terms of the application, Ref 24/00174/FULL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for a full award of costs was made by Mr Syed Rashid against Kingston Upon Hull City Council. This is the subject of a separate Decision.

Preliminary Matters

3. The appellant submitted an additional Parking Bay Tracking Plan within their Final Comments (FC) evidence¹. This shows every possible movement that could occur at the site, and suggests improved highway safety compared to the previous version². I find this directly responds to the elaboration in the Council's Statement of Case of its first reason for refusal, that manoeuvres to enter the appeal site from a westerly direction would require the use of the opposite carriageway.
4. Notwithstanding this, other parties have not had a chance to comment on this revised plan. I was able to make my decision without considering or relying upon this plan within my determination, and so it was not necessary to delay proceedings by going back to parties for such consultation. In accordance with the substantive and procedural tests of the *Holborn Studios Ltd* judgement³, I have therefore taken a very precautionary approach, and have not accepted this as part of the evidence in case any other parties would be prejudiced in the interests of natural justice.

¹ Ardent Consulting Engineers: Drawing 2306740-ACE-XX-00-DR-C-0501

² Ardent Consulting Engineers: Drawing 2306740-D001

³ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

5. The appellant's FC evidence also introduced a new Refuse Strategy Plan⁴. However, the FC stage is not an opportunity to present new evidence. This plan is based on information which was readily available at the time of the appellant's appeal submission, and does not directly respond only to appeal representations from interested parties or matters arising from the Council's SoC. Again, I therefore have not accepted this plan, or any justification based upon it.
6. The Government published a revised version of the National Planning Policy Framework ('the Framework') on 12 December 2024. I have considered its amendments against the December 2023 version which was before the parties for their appeal evidence, and updated cited paragraph numbers where necessary. However, I have not gone back to the parties for comment, as the Framework changes are not substantive or determinative in relation to this appeal outcome.

Main Issues

7. The main issues are the effect of the proposed development on:
 - highway safety resulting from the parking provision; and
 - the character and appearance of the streetscene, with particular regard to bin storage.

Reasons

Highway Safety

8. The site is a two-storey semi-detached dwelling, with a rear garden area and a frontage with a gated access and a dropped kerb to the highway. A single vehicle can be parked aligned perpendicular to the road within the frontage at present.
9. The proposal is for the subdivision and conversion of the dwelling to form 2 flats. Externally, this would involve the removal of an external door and a first-floor window from its side elevation, and splitting of the rear garden. The front boundary wall and gate would be removed, with 2 parking spaces incorporated. The Flat 8A space would be orientated at an angle, and the Flat 8B space would be perpendicular in a similar place as is possible at present. The arrangement of bollards along Inglemire Lane and the dropped kerb would be unaffected.
10. The Hull Local Plan 2016-2032 (LP) Policy 32 identifies that development should comply with the parking standards and guidelines in its Appendix C. The proposal would provide 1 space per dwelling in accordance with this. Notwithstanding this, the Council considers that the parking spaces are not adequately accessible due to the confines of the frontage and access off the street, and that it would be difficult to access them without causing highway safety issues. The swept path drawing submitted at the application stage does show a necessary encroachment onto the opposite carriageway.
11. However, I find the fallback position to be an important aspect of this appeal, alongside the precedent already set along Inglemire Lane. The appeal property comprises a 3 bedroom dwelling, likely to generate a 2 car household. If it were a new dwelling, the LP Policy 32 would require 2 parking spaces. Were the property to be retained as this single dwelling use, I find it likely that the front boundary wall would be removed to facilitate the parking of two cars, in a very similar manner to

⁴ Drawing IL/NAK/03 Rev E

that before me for this appeal. Such an approach to increasing parking is evident at several of the dwellings in the street with similar depth frontages.

12. Moreover, while other properties may not have as constrained a frontage or require both their parking spaces to be accessed independently of each other as would the appeal proposal, several do appear likely to require manoeuvrers of a relatively similar extent across the oncoming lane of traffic. These dwellings are inevitably not in the exact context with reference to the traffic lights, and road bend and junction arrangements. However, they do indicate that the access movements required for the appeal site would be well within the normal range experienced and expected along the road. The bollards within the footway would maintain the current level of protection.
13. I have not been presented in any detail with the likely number of movements to and from the appeal site compared to the number of movements were it a 2 car household in a single dwelling. However, I cannot see how they would greatly differ to the extent to be noticeable in the context of the overall traffic or highway safety matters. Inglemire Lane is controlled by a 20mph speed limit, with double yellow lines either side of the appeal site, so sightlines would not be limited other than by queuing traffic. I note the interested party objections in this regard, but do not consider that traffic issues associated with the nearby schools, or the traffic lights, is such that a demonstrable highway safety impact would be caused by a very small increase in intensity of the driveway use.
14. I accept that the proposed parking arrangement would be unlikely to be achievable if one or both of the cars were of the larger variety. However, this is the same situation as for the use of the dwelling as a family home. There is also some logic to suggest that a family home would be more likely to generate a need for a larger vehicle due to the more likely presence of children, than the occupants of a 1 bedroom flat. In allowing this appeal, I could also impose a condition to specifically restrict any parked car extending over the footway, which would implicitly ensure that parking and access arrangements were achievable as drawn.
15. The appellant's vehicle tracking evidence submitted for the application demonstrates that each space can be accessed independently even if the other were occupied. Any conflict over the use of the appeal site spaces and access to them between the occupiers would be a civil matter between the occupiers.
16. I also note that the Highway Authority raised no objection, albeit did caution that the vehicle manoeuvres appear to be very tight, with some concern raised over their convenience. However, the Highway Authority concluded that the concerns were not felt to carry enough weight to warrant a reason for refusal that could be defended at appeal. I am also mindful of the Framework paragraph 116, which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. I do not find any such unacceptable or severe impacts.
17. Overall, I therefore find that the proposal has demonstrated acceptable parking provision, which would not cause harm to highway safety. It would comply with the requirements of the LP Policies 32 and 26 part (b)(v) and (c)(i), that development should provide adequate parking provision within the site, and deliver proposals that are acceptable in terms of traffic generation and road safety.

Character and Appearance

18. The appeal site lies adjacent to the Beverley High Road Conservation Area (CA). Its immediate significance of relevance to this appeal lies in the adjacent dwelling to the east, being a detached 18th century farmhouse of historical architectural merit. The Council raises no issues regarding any streetscene impact from the physical changes to the dwelling or the removal of the front boundary wall, and I see no reason to conclude differently. This is because it would create only a very limited extent of external changes, and the frontage treatment would be similar to many existing dwellings, and so in keeping with the character of the streetscene. The character of the CA and of the adjacent building would be preserved.
19. However, the Council considers that movements between the bin storage area and the roadside collection area would be inaccessible or impractical due to the constrained parking spaces. This suggests that occupants may instead move the bin storage area to the frontage. As such it would be unduly prominent and conflict with the LP Policy 14, which amongst other matters requires that development should demonstrate how its design supports the delivery of a high quality environment, particularly with regards to character, use, and layout.
20. The drawings before the Council for its determination do show that there would be very limited space to move the bins alongside the parked cars. It appears that the Flat 8B car would need to be parked to consciously allow for this, which in turn may impact on the space and manoeuvring ability of 8A. Parking spaces are required to be a certain size so that doors can open either side of a car and access can be gained around it, so requiring the car to be pushed to one side of the space, even while remaining technically within in that space, would not align with the guidelines.
21. Nonetheless, this bin storage arrangement is similar to several existing dwellings along Inglemire Lane, including the fallback of the appeal site as a single dwelling. Although the bin movements do appear impractical, they would not be impossible. Furthermore, bins are collected on a regular, generally weekly basis, which can be anticipated and which would not require daily coordination.
22. As two separate parties within the proposed two flats, the occupiers would need to undertake more specific cooperation on the precise parking positions or short term car movements than for occupants of a single dwelling. Notwithstanding this, it would be in the interests of both parties for their bins to be collected, and so I do not see why either would thus have a reason to act in opposition. On this basis, it would be reasonable to impose a condition to require the bin storage area to be kept to the side of the property, which would ensure the retention of the streetscene character.
23. Overall, I find that the proposal would not harm the character and appearance of the streetscene, and would comply with the LP Policy 14.

Other Matters

24. Multiple interested parties have objected to the principle of the conversion of a family dwelling into two flats. However, the Council considers that this would comply with the relevant development plan policies, including that there is no policy which would preclude the loss of a 3 bedroom home in this instance. The property would remain in residential use, the same use as neighbouring properties. Indeed, the Council notes that although there may be a point where the number of such

conversions within the street may affect its character, the very small scale of the proposal individually would not. I therefore find no reason to conclude differently on this matter.

25. I also note that in isolation a precedent would not be created within the street, because each proposal must be assessed on its own merits. The property's historic and current state of repair does not indicate that the proposed conversion would be carried out to inferior standards.
26. The lounge of the upstairs flat would be adjacent to the existing bedroom of No. 10 Inglemire Lane, and interested parties object that this creates the potential for sleep deprivation due to noise. However, the proposal is for a pair of one bedroom flats, which could result in four adults living in the property. The level of activity and comings and goings likely to be created by the proposal would be similar to that of the three bedroom dwelling fallback, whereby it would not be unfeasible for there to be four adult occupants, or two adults plus children.
27. A lounge does have a different function to a bedroom, but it would be a small lounge in a one-bedroom flat. Therefore, it is not evident that significant noise would be likely to be generated from its use, in comparison to that from a bedroom which can also generate noise for example from a television or music system. Furthermore, I would impose a condition to require additional sound attenuation, and noise was not raised as a concern by the Council on this basis. Such attenuation would be in excess of that which is already in place between the two dwellings, and thus the evidence does not suggest that noise would be any worse than the fallback position.
28. The LP Policy 42 identifies circumstances whereby new housing must provide for open space, either on-site or off-site through a legal agreement securing a financial contribution. The appeal proposal would require a financial contribution of £480 to enhance existing or provide new open space and play provision in the vicinity. This has been secured by a Unilateral Undertaking signed 27 September 2024. I find this would meet the necessary tests identified in the Framework and the Planning Practice Guidance, and note that the Council makes the same conclusion.

Conditions

29. I have imposed the Council's suggested conditions, subject to slight amendment to reflect paragraph 57 of the Framework and the Planning Practice Guidance. I have attached the statutory condition to limit the lifespan of the planning permission, and specified the approved plans to provide clarity for the terms of the permission (conditions 1, 2).
30. The site lies within Flood Zone 3 with a high probability of flooding from rivers. A condition to incorporate flood resilience measures is necessary to meet the Framework's flood risk requirements (3). In the interests of minimising the risk to life in a flood event, a safe refuge area is also required on the first floor landing (6).
31. A condition for noise attenuation between the neighbouring dwellings is necessary to ensure residents' amenity (5). Conditions ensuring the provision of the appropriate frontage parking surface (4), cycle parking (7), and refuse and recycling (8), are necessary in order to minimise visual impact, as well as to minimise water run-off, and support sustainable travel.

32. I have imposed a new condition which specifically restricts any vehicle from being parked such that it would extend over the footway and outside of the application boundary, in the interests of highway safety (9).
33. The Council suggested a condition to restrict any meter boxes or letter boxes on the front elevation of the building without prior written approval, in the interests of visual amenity. However, the provision of such letterboxes is a normal element of residential dwellings in the streetscene, and I do not find the site to be in such a sensitive character area that it would be reasonable to impose this condition.

Conclusion

34. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
IL/NAK/01 Rev D – Site Location Plan, Site and Roof Plan
IL/NAK/02 Rev D - Proposed Layout and Elevations
- 3) No development above ground level of the development hereby permitted shall take place until details of flood resilience measures to a minimum of 300m above the finished floor level of the ground floor flat have been submitted to and approved in writing by the Local Planning Authority. The flood resilience measures shall be fully implemented before first occupation of the development, and maintained thereafter for the lifetime of the development in accordance with the approved details.
- 4) No development above ground level of the development hereby permitted shall take place until details of the surface treatment of the front garden and vehicle parking area has been submitted to and approved in writing by the Local Planning Authority. The vehicle parking area shall be constructed of porous material or provision shall be made to direct run-off water from the vehicle parking area to a permeable or porous surface within the curtilage of the site. The development hereby permitted shall not be occupied until the approved details have been fully implemented, and shall be retained as such for the lifetime of the development.
- 5) No internal works of the development hereby permitted shall take place until details of a sound attenuation scheme to address potential noise transference between No. 8 and No. 10 Inglemire Lane and within No. 8 Inglemire Lane has been submitted to and approved in writing by the Local Planning Authority. The sound attenuation scheme shall be fully implemented before first occupation of the development, and maintained thereafter in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until a place of safety from flooding is provided on the first floor landing. The place of safety and safe access to it shall be retained at all times thereafter for the lifetime of the development.
- 7) The development hereby permitted shall not be occupied until details of secure cycle parking facilities within the site have been submitted to and approved in writing by the Local Planning Authority, and then the cycle parking has been fully implemented. It shall be maintained thereafter for the lifetime of the development in accordance with the approved details.
- 8) The development hereby permitted shall not be occupied until details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority, and the refuse and recycling storage has been implemented in accordance with these details. It shall be maintained thereafter for the life of the development in accordance with the approved details.
- 9) No vehicle parked within the frontage of the development hereby permitted shall be parked in a manner which causes it to extend over the footway or carriageway outside of the red line boundary.

END OF SCHEDULE