



Appeal Decision

Site visit made on 14 January 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2025

Appeal Ref: APP/P0240/W/24/3348320

129 Bromley Gardens, Houghton Regis LU5 5RJ

- 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 Fredrick Kiogora Akandi on behalf of Elstree Home Care Ltd, against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01322/FULL.
 - The development proposed is change of use of a C3(a) dwellinghouse to a children's home for a maximum of two children, with a manager and up to two staff who would sleep overnight, working on a rota basis.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The appellant submitted a Design and Access Statement with the appeal which was not submitted with the planning application. However, the Council were given an opportunity to comment on the submitted document and the Council also carried out a consultation on it. Consequently, no party would be unfairly prejudiced and, I have, therefore, considered the Design and Access Statement, alongside the Planning Statement, in determining this appeal.

Main Issue

4. The main issue is the effect of the development on highway safety, having particular regard to parking provision and vehicle movements.

Reasons

5. The appeal relates to the change of use of 129 Bromley Gardens. The house is a two-storey, mid-terraced dwelling within a residential area of similar properties.
6. Policy T2 of the Central Bedfordshire Local Plan 2015-2035 (the LP) requires development to not have a detrimental effect on highway safety and patterns of movement. Policy T3 requires developers to have regard to the car parking standards set out in the Central Bedfordshire Council's Design Guide and Parking Strategy.

7. The Central Bedfordshire Parking Standards for New Developments Supplementary Planning Document, August 2023 (the Parking SPD) sets the parking standards for development. If it were a new build dwelling, as a three-bedroom house, it would be required to provide a minimum of two parking spaces.
8. Paragraph 4.8 of the Parking SPD advises that, accommodation for older people, which includes sheltered housing and assisted living complexes, requires one parking space per dwelling and one space per two staff. For non-residential uses, Table 8 provides parking standards. For nursing and care homes there is a requirement for one space per four bedrooms plus one space per two members of staff. Even if I were to take this standard the proposal would require at least two parking spaces.
9. The appeal site has a single parking space outside the rear of the property. There is also a single garage which, at the time of my visit, contained a parked car. However, the Parking SPD advises, at 4.4.2, that single garages will not count as a parking space, for these reasons the dimensions of a single garage do not need to allow for a car to fit into it. Consequently, although the property has a garage, which is of sufficient size to accommodate a car, this would not be counted as a parking space when considering the advice in the Parking SPD.
10. The appellant has also advised that they have agreement to park a vehicle across the front of the garages associated with the appeal property and the neighbouring house. Although a letter has been received from the owner of No. 130 Bromley Gardens suggesting that their spaces can be used for parking and that No. 130 has now been let to the appellant, the parking space for No. 130 would continue to be required to serve that property. The use of the space associated with No. 130 for the appeal premises would result in the loss of all of the parking for the neighbour. In addition, neither the existing parking space at the appeal property, nor the space outside the garages is within the red edge of the site.
11. Even if I were to accept that the parking space adjacent to the garage is associated with the appeal site, albeit not within the red edge, this would only provide one parking space for the proposed use. This falls short of the required parking for the existing three-bedroom property; however, this would not justify enabling a change of use with a shortfall of parking.
12. For uses which do not fit any of the categories listed in the non-residential parking standards paragraph 7.0 of the Parking SPD advises that applicants should request pre-application advice and parking requirements will be determined on a case-by-case basis. Although the appeal proposal is similar in use to a nursing and care home it is not the same, neither is it a residential dwelling nor accommodation for older people. As a use that falls outside any of the categories listed in the Parking SPD the potential staffing levels and vehicle movements of the proposed use should be considered on its own merits.
13. The staffing levels indicated in the submission are for one manager who would work daytime hours at the premises and two additional care staff during the day and also overnight. Consequently, if all of the staff were to drive their own cars to the site, there is a risk of up to three cars being present. The staff would work on a rota and at change-over times, which for the morning change would be after the manager has arrived at the premises, there would be a risk of more cars being present. Furthermore, the appellant has suggested that the premises would have

an electric company car on site. Although this would be used by staff to transport the children and for other trips, it would not reduce the pressure on car parking.

14. The majority of trip movements identified in both the Planning Statement and Design and Access Statement, albeit with slight variations in numbers, would not be dissimilar to a residential dwelling. However, both documents only suggest two vehicle movements per day for care workers starting and finishing shifts. This would not reflect the staffing levels proposed, or the shift changes identified in the latest information. The staffing levels, even at the minimum daytime level of three staff, would result in greater levels of parking demand than the existing dwelling.
15. I saw at my site visit that Bromley Gardens suffers from parking pressures. There were cars parked along the edge of the street and clearly evidence of cars using the grass verges near the junction for parking. The Council's evidence also notes records of collisions at the junction. The parking on the road and verges along Bromley Gardens is not only an aesthetic concern but a highway safety concern.
16. I also saw parking pressure on other surrounding roads, and, in my judgement, there is limited opportunity for the additional parking required for the development to be accommodated within Bromley Gardens or the surrounding streets. I also have no compelling evidence that the Baptist Church would allow parking on their car park, which I saw is enclosed in security fencing, especially as this would be required both during the day and overnight. Any additional parking in the area would add to the existing parking pressure and risk obstructions of the highway and hazards to safety. Overall, any additional parking pressure would have a detrimental effect on highway safety.
17. Although a condition could be imposed to require the submission of a Travel Plan this would only be able to promote and encourage the use of public transport, it would not be able to require use of alternative means of travel, even though the site is close to bus stops on both sides of Parkside Drive and cycle parking could be provided. A Unilateral Undertaking to require a Travel Plan would be no more enforceable, even if I had such an agreement before me. A condition to require the staff of the development to not bring a car to the site, or to not park on the local public highways, would not be capable of being enforced as it would not be possible to know who has brought a car to the area. Such a condition would, therefore, not meet the tests for conditions.
18. I acknowledge that the appellant has advised that a significant proportion of their staff live in Luton and Dunstable, that most use public transport, and that some are within walking distance of the appeal property. Nevertheless, I have no means to prevent staff from driving a private car to the premises and increasing parking pressure in the area.
19. Although the proposal would not result in severe residual cumulative impacts on the road network when assessed against paragraph 116 of the Framework, the scheme would not provide sufficient parking provision, taking into account the advice in the LP and the Parking SPD.
20. For the above reasons, I find that the development would have an adverse effect on highway safety, having particular regard to parking provision and vehicle movements. It would, therefore, fail to comply with the requirements of Policies T2 and T3 of the LP and the parking standards as set out in the Parking SPD.

Other Matters

21. The appeal site lies within the zone of influence for the Chilterns Beechwoods Special Area of Conservation (SAC). As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.
22. That the development would provide a home for vulnerable children and that the Council has a statutory responsibility to ensure children in care are provided with accommodation would not outweigh the harm that I have identified above. The lack of any harm to the character and appearance of the area from the lack of external alterations and the lack of harm to the living conditions of the occupiers of neighbouring properties, notwithstanding the objection raised, are neutral matters, weighing neither in favour nor against the development.
23. The appellant has referred to numerous other appeal decisions within their submitted documents. Although I do not have the full details of any of these cases the issues raised by the appellant relate to the principle of the development and the difference between a residential use and a care home use rather than the specific highway and parking issues raised in this case. The appeals referred to are, therefore, materially different to the appeal before me and do not alter my findings on the main issue.

Conclusion

24. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR