
Appeal Decision

Site visit made on 16 September 2014

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2014

Appeal Ref: APP/X1735/A/14/2221758

1 Shearer Close, Havant, Hampshire, England PO19 4BT

- 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 Miss Marie Shepherd against the decision of Havant Borough Council.
 - The application Ref APP/14/00191, dated 24 February 2014, was refused by notice dated 17 April 2014.
 - The development proposed is to allow the garage to be used as habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted to allow the garage to be used as habitable accommodation at 1 Shearer Close, Havant, Hampshire, England PO19 4BT in accordance with the terms in the application Ref APP/14/00191, dated 24 February 2014, and the drawing Block Plan.

Procedural Matter

2. The application was made for the variation of condition No 8 of planning permission ref: 03/61332/002 (RRP) dated 20 November 2007, this was an outline application for residential development for 135 dwellings. The condition therefore applies to the whole estate and includes reference to other forms of transport. There is no dispute that the condition seeks to retain car parking at the appeal property. However the application does not seek to embrace the condition in its entirety and there is also no dispute that it only seeks the use of the garage at No 1 Shearer Close as habitable accommodation. That is as indicated by the red line on the submitted drawings. I have therefore determined the appeal on the basis that the proposed development is for the use of the garage as habitable accommodation.
3. At the time of my visit, the garage had already been converted with an internal wall built inside the garage door and has wooden flooring. The layout plan submitted shows the original internal layout only and it is apparent from the Council's officer report that the decision is based upon the converted accommodation. Therefore, I have determined the appeal on the development as carried out.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The appeal property is located in within a residential area, with a mix of modern flats, terraced and semi-detached dwellings. Shearer Close is a narrow road with bollards separating the pavement from the road which prevent parking on the pavement. The appeal site has a parking space in front of the garage, adjacent to the appeal property. There are bollards outside the terrace. The semi-detached and terraced houses in Shearer Close have parking spaces and garages that are set back behind the main building line. There is a small school with under 50 pupils to the west of the appeal site on Freeley Road. This has parking for staff and a vehicular entrance for dropping off and picking up pupils. Other parking is available very close to the appeal site in the form of formal parking bays that are clearly marked for visitors.
6. Both parties refer to information contained within the Council's Residential Parking and Cycle Provision Supplementary Planning Document (SPD) 2010. At page 13, this sets out a requirement for the number of parking spaces according to the number of bedrooms by wards within the area. The appeal property is a three-bedroom dwelling, which would require two parking spaces.
7. The loss of the parking space within the garage would therefore fail to accord with Policy DM13 of the Havant Borough Core Strategy (CS) 2013 in respect of the provision of parking spaces. However, the SPD does indicate that variations in the requirements will need to be justified, although it does not indicate what information would be needed to make an assessment. At paragraph 7.20, the SPD refers to the aim of reducing reliance on on-street parking.
8. The Council accept that the scheme would not result in direct highway safety danger to pedestrians or traffic. However, they are concerned that the scheme would cause displacement of parking, resulting in congestion. I appreciate that the appellant has only one car. However, I have taken into account that over time, the requirements of different households in relation to car ownership will vary. Notwithstanding this, the number of vehicles, including service vehicles that would park elsewhere as a result of the scheme, is unlikely to be significant.
9. In addition, at the time of my site visit during mid morning, there was one vehicle parked on the corner of Shearer Close and Spinner Drive. A very small number of cars were parked in the road opposite the school and at this point Freeley Road is wide enough to allow cars to pass. There were parking bays with free spaces on Freeley Road to the north and west of the appeal site. A number of marked visitor parking spaces were available at the southern end of Shearer Close, fairly close to the appeal site. Whilst that was only a snapshot in time and availability may vary during different times of the day, it seemed to me that there would be sufficient spaces within the area to accommodate any additional parking, without resulting in an appreciable increase in on-street parking.
10. I have no evidence before me to indicate that congestion is a particular problem within the area. I noted that Shearer Close, Freeley Road and Spinner Drive were all quiet roads with very little traffic, although Woolston Road to the north of the appeal site was a little busier. The Council refer to parking at the nearby school; however, there is no indication that visitor parking and peak

times for school traffic are an issue or negatively affect local residents' parking or highway safety in the area.

11. Having regard to all these considerations, I am not persuaded that the development would compromise parking within the area or lead to a detrimental increase in on-street parking. It would not cause harm to highway safety and would not be in conflict with Policy CS16 of the CS, as far as it relates to the layout of development and where streets are not dominated by vehicular traffic. It would not conflict with the National Planning Policy Framework (the Framework) where it relates to promoting sustainable transport.
12. I have considered the Council's concerns that the grant of planning permission would set a precedent for other similar developments. However, there is nothing before me to suggest that there is a likelihood of this scheme being repeated by the occupiers of nearby properties. Nor have any other similar or comparable sites been identified by the Council within the rest of the estate or Shearer Close to which this might apply. Each application must be determined on its individual merits, and a generalised concern of this nature does not justify withholding planning permission in this case.
13. Although I have been referred to a nearby development that is currently under construction, I have not been provided with any details to be able to make an assessment and therefore I can give it little weight.

Conclusion and conditions

14. As the garage has already been converted, there is no need to attach the usual time limit condition. The Council have suggested a condition relating to the retention of the existing parking space. However, this would duplicate Condition No 8 of planning permission Ref 03/61332/002 (RRP), it is therefore not necessary.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L Gibbons

INSPECTOR