



Appeal Decision

Site visit made on 18 June 2014

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 22 July 2014

Appeal Ref: APP/L3245/A/14/2214151

Land West of Birch Close, Ruyton XI Towns, Oswestry, Shropshire

- 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 Shropshire Towns and Rural Housing against the decision of Shropshire Council.
 - The application Ref 13/01418/FUL, dated 11 April 2013 was refused by notice dated 22 August 2013.
 - The development proposed is the construction of 3 no. new 2-bed homes to Site 1 (currently a parking area and garages).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the appeal application the Planning Practice Guidance has been published. Although regard has been had to this guidance it does not materially alter the matters which have been identified by the parties.
3. The planning application submitted to the Council included the residential development of 2 separate sites at Birch Grove. The Council separately assessed both schemes and this appeal for Site 1 concerns the site referred to in the Council's decision notice and on the appeal form as land west of Birch Close. I am aware that the other site at Birch Grove (Site 2) is the subject of a separate appeal but I have not been provided with full details of this scheme.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties by reason of parking provision and highway safety.

Reasons

5. The appeal site is a privately owned a parking area with some single storey garages situated within a predominantly residential area comprising a mix of semi-detached houses, maisonettes and bungalows. The appellant claims that there has been some anti-social behaviour occurring on the site but these claims are contested by local residents. With the exception of a small area
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- adjacent to the garages, the site does not appear to be in a particularly poor condition.
6. From the photographs provided by the appellant and local residents it is evident that the site is used for parking purposes with the number of vehicles varying throughout the day. The appellant has indicated that 3 of the 5 garages are in use albeit not necessarily for parking purposes. Local residents claim that there is a demand for the garages but the evidence for this is limited.
 7. The proposed development includes the erection of a short terrace of 3 affordable dwellings with off-street parking within their front gardens. By reason of the off-street parking provision there would not be a material change to the demand for on-street parking from the future occupiers of the appeal scheme. Although the comments of local residents have been noted, the width and siting of the proposed parking spaces would enable parked vehicles manoeuvre without precluding on-street parking which occurs on the opposite site of Birch Close.
 8. Based on the site visit, there are limited opportunities for off-street parking within the curtilages of the dwellings within the surrounding area and local residents claim that such parking provision is precluded by the occupiers' leases. Rather than being a detailed parking survey the photographs only give an indication of the parking situation at a particular moment in time. Further, although the photographs are of some assistance, the full details are not provided about the potential number and location of any available on-street spaces.
 9. The photographs give conflicting impressions of the parking occurring both on-site and along the roads, including that more than the average of 3.3 vehicles claimed by the appellant are parked on-site. However, photographs indicate that there is extensive on-street parking at certain times of the day, particularly at weekends and evenings. By reason of the carriageway width, on-street parking is only possible along one side of Birch Grove and Birch Close otherwise the flow of traffic would be prejudiced.
 10. Accordingly, based upon the photographic evidence provided and in the absence of a full parking survey, I am not satisfied that the drivers of vehicles displaced by the appeal scheme would find alternative parking spaces within a convenient distance of their properties. In reaching this judgement I note the Highway Authority's comments that there appears to be some space along Birch Grove particularly towards the junction with Little Ness Road. However, this location would not be particularly convenient for the occupiers of properties neighbouring the site.
 11. As previously noted, the available evidence does not enable me to fully assess the potential number and location of any available on-street spaces for displaced vehicles to park without causing a danger to the safety of other highway users. I am mindful about the limited width of the carriageways and the need to retain adequate space within the turning heads for larger vehicles to safely manoeuvre, including refuse and emergency vehicles.
 12. Based on the comments of local residents and the photographs, the garages and the parking area provide a service and amenity that contributes to the

neighbouring occupiers' quality of life. On its own this matter could be outweighed by other consideration but adverse harm has also been identified associated with the potential additional demand for on-street parking caused by displaced vehicles.

13. Accordingly, it is concluded that the proposed development would cause adverse harm to the living conditions of the occupiers of neighbouring properties by reason of parking provision and highway safety and, as such, it would conflict with Policies CS6 and CS8 of the Shropshire Local Development Framework: Adopted Core Strategy. Amongst other matters these policies require development to create sustainable places, to protect and enhance existing facilities and to protect local amenity, including by the provision of appropriate parking. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of a good standard of amenity for all existing and future occupants of land and buildings and also creating safe and secure layouts which minimise the conflict between traffic and pedestrians.

Other Matters

14. I concur with the appellant's claims that the appeal scheme would accord with the Framework because the proposed housing would be erected on a previously developed site within the urban area. The proposed dwellings would be constructed to achieve level 3 of the Code for Sustainable Homes and there would be no adverse harm caused to the occupiers of neighbouring properties by reason of loss of either privacy or levels of sunlight. When taken together with the proposed dwelling being for affordable housing purposes, these matter are given significant weight in the determination of this appeal.
15. The appellant's comments concerning the potential for access to the site being extinguished have been noted but this is a matter for other legislation and is given only limited weight.
16. When all the other matters are considered together they are still demonstrably and significantly outweighed by the adverse harm which has been identified. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR