

Appendix B

Appeal by Mr Michael Ellis Thompson

Pair of Houses on land at 132 High Street, Old Whittington,
Chesterfield.

CHE/21/00809/FUL

1. Planning permission was refused on 5th January 2022 for a pair of dwellings on land at 132 High Street. The reasons for refusal were:

The proposed development is not considered to provide appropriate off street parking provision. The off street parking provision as proposed will result in an access that is tight and difficult to manoeuvre in and out of, especially for the occupants of the proposed dwelling adjacent to no. 132 High Street. In addition, the parking bays for each dwelling have a limited width when adjacent to a solid feature, in this case a boundary wall. This is as a result of the constraints posed from the limited scope for development within the application site and it is an indicator of overdevelopment within the application site. The proposal is therefore at odds with the Local Plan policy CLP20 which states that development will "g) provide adequate and safe vehicle access and parking" and specifically CLP22 which states that "development proposals will not be permitted where they would have an unacceptable impact on highway safety...". The development is thereby not in accordance with the NPPF Part 9 - notably paragraphs 109 and 110.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues in this appeal were:
 - (a) whether the proposed development would make adequate provision for vehicular access and parking, in the interests of highway safety
 - (b) the effect of the proposed development upon the character and appearance of the area, and
 - (c) whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to internal space standards.

4. The proposed development relates to the side garden of a semi-detached dwelling, No 132 High Street. The proposal would require the demolition of the existing garage at No 132 and a re-arrangement of the off-street parking serving this dwelling. This garage sits at a higher level than the dwelling itself and land levels rise gradually to the north. No 132 is positioned on the outside bend of a service road to the main carriageway of High Street, which runs to the north. The site lies on the edge of a housing estate that consists mainly of semi-detached dwellings that share a uniformity of design and layout, interspersed with some flats.

Access and parking

5. The proposed development indicates two off-street parking spaces per proposed dwelling at varying angles to the highway. Whilst not falling within the appeal site, the plans also indicate two compensatory off-street parking spaces to the frontage of No 132. The proposed parking bays achieve the required parking space dimensions of 2.4m width x 4.8m length. Two proposed parking spaces to the western boundary lie adjacent to an existing solid boundary treatment, a low stone wall. In such circumstances, the Council and the Highways Authority indicate an additional 0.5m width is required. To the other side of these parking bays, there remains space between them and the front of the westernmost dwelling. This would allow for some additional room to open and close doors. As such, the inspector was satisfied that these spaces would be of a functional size. No boundary treatment is indicated between the parking bays to the front of the easternmost proposed dwelling and those that would serve No 132. Therefore, these parking spaces would not require an additional 0.5m width. Any concerns regarding the potential for boundary treatment to impact on the functionality of these parking spaces, could be controlled by the imposition of a suitably worded condition.
6. Nevertheless, the access arrangements into and out of the proposed dwellings for both pedestrians and drivers would be constrained by the width of the frontage. There is no clear delineation of pedestrian access to each proposed dwelling in and around the parking bays, (or to No 132 for that matter, which would be left with a narrow strip only). Pedestrian

access is particularly unclear for the proposed plot adjacent to No 132, because there is a lack of information as to how the change in levels within this area would be dealt with. The proposed dwelling adjacent to No 132 would sit in the approximate location of the existing garage, which is at a higher level than No 132. The plans are not clear as to the position, height, and extent of any retaining structures within this frontage and how this would impact on pedestrian routes around the parking bays. Nor is it clear whether any change in levels would impact on the area to the front of the proposed parking bays, which would need to be utilised as a shared space for manoeuvring, due to the nature of the angled parking and the restricted width of the access, to ensure such manoeuvring would be practical.

7. As such, whilst the inspector considered the response from the Highways Authority, he was not satisfied that there is sufficient information provided with the proposal to demonstrate that adequate access provision for both pedestrians and vehicles is achieved. He did not consider that the imposition of conditions to secure this information would be appropriate, given the lack of certainty as to what can physically be achieved.
8. The inspector had no concerns relating to visibility. The position on the outside of the bend provides adequate visibility and existing walls and fences were observed to be low. As such, the imposition of a condition would be suitable in this respect to retain adequate sightlines.
9. The inspector concluded on this main issue, that it had not been demonstrated that the proposal would incorporate adequate provision for vehicular access and parking, to ensure that it would be acceptable in highway safety terms. The proposal does not therefore comply with Policies CLP20 and CLP22 of the Chesterfield Borough Local Plan Adopted July 2020 (LP), which amongst other matters, seek to ensure that new development provides adequate and safe vehicle access and parking, and a safe and convenient environment for pedestrians, as well as ensuring that it does not have an unacceptable impact on highway safety. Nor does it comply with the requirements of the National Planning Policy

Framework (NPPF) in terms of achieving safe and secure access to the site for all users.

Character and appearance

10. Due to the limited size of the site and the width of the frontage, the proposed dwellings would be narrower in width overall than existing houses, with a frontage dominated by parking. In comparison, the majority of other semidetached houses retain open frontages with both garden and parking space. This pair of houses would have a staggered building line, with a notable forward projection to the westernmost dwelling requiring a hipped roof at the front. This design would be a marked contrast to the uniform design and flat frontages of existing housing. In combination, these compromises would result in a design and layout that would be at odds with the character and appearance of the wider estate resulting from its layout and uniformity, resulting in a cramped form of development.
11. To conclude on this issue, the inspector considered that the proposal would be harmful to the character and appearance of the area. It would not therefore comply with LP Policy CLP20, which requires that new development respects the character, form and setting of a site and its surroundings, through careful consideration of matters such as appearance and architectural style, scale, density and massing. Furthermore, the requirements of the NPPF are not met in terms of achieving high quality buildings that are sympathetic to local character.

Living conditions

12. The proposals fall short of the overall space requirement for a two bed, three person dwelling set out within the Technical Housing Standards – Nationally Described Space Standard (NDSS), which states a minimum area of 70 m², although the bedroom sizes and widths appear to be achieved. However, these nationally described standards are not prescriptive. Footnote 49 of the NPPF advises that policies may make use of these standards where the need can be justified. The inspector had not been provided with any policy stating a minimum space standard requirement and so, there is no justification for applying a minimum quantity of floorspace in this case. Nevertheless, the NDSS is a material consideration. The underlying intention to achieve high quality residential

development for future occupiers is consistent with LP Policy CLP14 and paragraphs 126 and 130 of the NPPF. Therefore, I have assessed the proposal in terms of its overall quality and functionality, having due regard to this document as material consideration.

13. The proposed dwellings would have a separate living area and kitchen at ground floor. Bedroom sizes are reasonable. Each dwelling would be dual aspect and the inspector had no concerns in relation to the adequacy of daylight/sunlight and outlook. Nor would these windows be overlooked, providing adequate levels of privacy. Further, the proposed dwellings would be provided with an adequately sized private outdoor space of reasonable quality. However, the shower room appears cramped and circulation space appears tight, and the inspector questioned whether this may need revising at the expense of bedroom space. At a shortfall of approx. 11-12% of the NDSS, the level of overall space is constrained for the intended level of occupation.
14. To conclude on this main issue, the proposed development would not provide satisfactory living conditions for the intended future occupiers. The proposal would not therefore comply with LP Policy CLP14, which amongst other matters, seeks to ensure that proposals have an acceptable impact on the amenity of users. Nor would it comply with Paragraph 130 of the NPPF which requires the creation of places that provide a high standard of amenity for future occupiers.

Other Matters

15. Whilst the inspector appreciated the importance of providing new housing nationally, due to its scale, this proposal would make only a modest contribution to the area's housing requirements to which he gave limited weight.