
Appeal Decision

Site visit made on 25 October 2016

by Beverley Wilders BA (Hons) PgDurb MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/Z4718/W/16/3156441

322 Cowcliffe Hill Road, Fixby, Huddersfield, West Yorkshire HD2 2HN

- 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 Mr & Mrs Hall against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/90624/W, dated 22 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is a detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises part of the side garden of 322 Cowcliffe Hill Road. No 322 is a large detached two storey dwelling set back from and fronting onto Cowcliffe Hill Road and set in a fairly spacious plot. This is consistent with the limited number of other dwellings located on this part of the road. The low density form of development together with mature landscaping and an absence of development on the opposite side of the road give the area a verdant and open character. By contrast Lightridge Road is more built up in character in the vicinity of the appeal site with dwellings located on both sides of the road.
 4. The proposal would result in a significant reduction in the size of the plot of the existing dwelling at No 322. The footprint and width of the proposed dwelling would be large in comparison to the size and width of the appeal site and would be sited close to the side boundaries. Though I note that the Council raised no objections to the design of the proposed dwelling, the scale and height of the dwelling above ground level would serve to emphasise its large size relative to the plot. Consequently notwithstanding the set back from the road, the proposed dwelling would appear cramped and would be out of keeping with the spacious and verdant character of the surrounding area.
 5. The appellant has made reference to the less spacious character of Lightridge Road, to the existing dwelling at 75 Lightridge Road and to a
-

consented dwelling between 71 and 75 Lightridge Road. At my site visit I saw the dwelling at No 75 and the character of development on Lightridge Road and I have been provided with copies of plans relating to No 75 and to the land between Nos 71 and 75. However as stated, the character of Lightridge Road is different to Cowcliffe Hill Road onto which the proposed dwelling would face. Whilst I am not aware of the details or particular circumstances relating to the other sites referred to, neither appears to me to be directly comparable to the proposal and I therefore give them limited weight. In any event, I must determine the proposal before me on its own merits.

6. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to policies D2 and BE1 of the Kirklees Unitary Development Plan and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to ensure that development does not prejudice visual amenity and that it contributes to a built environment which is visually attractive and creates or retains a sense of local identity.

Other Matters

7. In reaching my decision I have had regard to the fact that the Council does not currently have a five year housing land supply. However irrespective of this, in terms of paragraph 49 of the Framework, the policies referred to by the Council are not relevant policies for the supply of housing, they deal with more detailed matters including the potential impacts of development. In any event, whilst I note that the appeal site is in a reasonably accessible location, I consider that the economic and social benefits of providing one dwelling is significantly and demonstrably outweighed by the harm that would result to the character and appearance of the area.

Conclusion

8. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

Appeal Decision

Site visit made on 15 November 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 6th December 2016

Appeal Ref: APP/Z4718/W/16/3156424

Land adjacent 10 Meal Hill, Slaithwaite, Huddersfield HD7 5UR

- 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 Mr J Atkinson against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/90959/W, dated 21 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is described as a replacement garage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of application Ref 2016/62/90959/W to 'demolition of existing garage and erection of triple garage with storage above'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt and the purpose of including land within it.
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

4. The appeal property is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception is the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.
-

5. The existing single storey building is in use as a garage and store which the Council suggest occupies a footprint of approximately 58.5sq m, is approximately 3.1m high and provides floor space of approximately 47.2sq m. The proposed building would be two storey and would be used as a garage on the ground floor with a store/gym on the first floor. The Council suggest that the proposed building would have a footprint of approximately 67sq m, would be approximately 5.7m high and have a floor space of approximately 109.7sq m. I have no evidence to suggest that the Council's calculation of footprint and floor space may be incorrect.
6. Although the proposed building would be broadly in the same use as the existing, I consider that it would be substantially larger than the one it replaces. I accept the appellant's contention that the Framework does not provide any detailed guidance on the extent to which a new building would be deemed to be 'materially larger' than the one it replaces. However, in my view, a proposed building that would more than double the floor space and be substantially higher than the one it replaces would be considered as being 'materially larger' within the context of the guidance provided in paragraph 89 of the Framework.
7. As such, I find that the proposed development would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The existing garage is located in close proximity to a cluster of dwellings on Meal Hill. The proposed development would increase the height of the garage and would slightly increase the extent of built footprint. However, given the proximity to, and extent of existing built development in the vicinity of the garage I consider that, overall, the proposed building would have a broadly neutral effect on the openness of the Green Belt.

Other considerations

9. The appellant's case is founded mainly on the assertion that the proposed development is not materially larger than the existing building and that openness would not be harmed. I accept that there would be no significant harm to openness. However, a fundamental objective of the Framework with regard to a replacement building in the Green Belt is to ensure that it is not disproportionately larger than the size of the original building. Given my findings above, the proposed development cannot be reasonably considered as being no materially larger than the size of the existing property. Consequently, I attach limited weight to this consideration.
10. I accept that the proposed building would be of a design that is in keeping with the cluster of properties in the vicinity. Owing to its position, design and use of constructional materials the proposed building would not detract from the character or appearance of the locality. I accept the appellant's view that the proposed building would represent an improvement on the appearance of the existing garage. This does weigh in favour of the scheme but, against the background of the size of the proposed building in relation to the existing, I do

not consider that this benefit constitutes a very special circumstance that would carry significant weight in the consideration of this appeal.

Conclusion

11. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. The Framework indicates that substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As explained above, I only give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances. Although the Council has not referred to any policies within the development plan, the proposal is therefore contrary to the guidance provided in paragraph 89 of the Framework in being materially larger than the building it would replace.
13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

Appeal Decision

Site visit made on 5 December 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/Z4718/D/16/3156318
44 Syringa Street, Huddersfield, HD1 4PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Imran Khalid against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/91872, dated 7 June 2016, was refused by notice dated 14 July 2016.
 - The development proposed is a single storey pitched roof extension to rear projecting 4.750 beyond main house wall and 3.250 beyond projecting wall. Existing conservatory to be demolished.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The application is made for prior approval for a single storey rear extension. The Council consider that the proposal falls outside the scope of development permitted by Class A. The main issue is therefore whether the proposal is permitted development by virtue of satisfying the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

3. The appeal property is a semi-detached dwelling with a relatively large rear garden. In common with other similar properties in the street it has a small outrigger at the rear which is constructed in the same brick as the side elevation. Historic maps provided by the Council confirm that this element of the building forms part of the original dwellinghouse.
 4. The permitted development regulations state that where a proposal for an extension projects forward of the side elevation of the original property, permitted development rights will not apply if the proposal has a width greater than half the width of the original dwelling house. The *Permitted Development for Householders Technical Guidance* (2016) defines a side elevation as "A wall forming a side elevation of a house will be any wall that cannot be identified as a front wall or a rear wall". Therefore notwithstanding the limited extent of the
-

side wall which makes up the rear outrigger, it constitutes a side wall for the purposes of the regulations.

5. The proposal would span the width of the property. It therefore follows that it would have a width greater than half the width of the original dwelling house. As a result I must conclude that the proposal fails to meet the conditions laid out in Paragraph A1 (j) of Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, they would not be permitted development under Class A.
6. I take into account the appellant's need for additional accommodation for his family and I have some sympathy for him in this regard. I also take into account that the aim of the legislation is to provide householders with the opportunity of extending their properties without needing to apply for formal planning permission. However, in this case, as it is clear from the technical guidance that the proposal would fail to comply with limitations set out in the legislation, I do not consider that I have any discretion to conclude otherwise. I am also mindful that although the proposal does not meet the requirements of permitted development, this does not alter the Council's ambit to determine a planning application for the same proposal on its own merits.
7. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

Anne Jordan

INSPECTOR

Appeal Decision

Site visit made on 29 November 2016

by **Michael Moffoot DipTP MRTPI DipMgt MCMI**

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

Decision date: 13th December 2016

Appeal Ref: APP/Z4718/D/16/3161063

107 Thornton Lodge Road, Thornton Lodge, Huddersfield HD1 3SB

- 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 Mrs Mussarat Begum against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref. 2016/62/92517/W, dated 22 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is a first floor rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The refused drawings show a two-storey rear extension to the appeal property providing a ground floor kitchen/diner and a first floor bedroom. There is no dispute between the parties as to the acceptability of the single-storey element of the scheme, which the Council advises is 'permitted development'. I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the proposed first floor rear extension.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular reference to outlook and daylight and sunlight.

Reasons

4. The appeal site comprises a two-storey mid-terrace dwelling of stone construction under a slate roof. The proposed extension would adjoin an obscure glazed first floor bathroom window serving No 105. The window immediately abuts a large two-storey extension to the host property which no doubt reduces the amount of daylight and sunlight reaching the bathroom. The proposed extension would result in built development to each side of the window opening and would further diminish light to the room. Although the neighbour has not objected and it is not a habitable room where occupants are likely to spend a great deal of time, the reduction in daylight and sunlight would unacceptably harm their living conditions.
-

5. The adjoining dwelling to the south (No 109) has windows to habitable rooms on the rear elevation. However, it is set back from the appeal property and the new extension would be set in from the common boundary by some distance. As a result, the outlook from these windows would not be materially compromised and the daylight and sunlight reaching the rooms would not be significantly diminished. The extension would, however, increase the sense of enclosure for users of the amenity space to the rear of No 109 and reduce daylight and sunlight levels to this area, to the detriment of the occupiers' living conditions.
6. No 6 Yews Hill Road is situated at right angles to the terrace, so that the ground and first floor windows in the property face the appeal site at relatively close quarters. The proposed extension would dominate the outlook from these openings and create an oppressive living environment for the occupiers. Daylight and sunlight levels reaching these windows would also be reduced, but not to the degree that the occupiers' living conditions would be appreciably harmed.
7. In coming to these findings, I have taken into account a number of other two-storey extensions to the rear of properties in the vicinity of the appeal site drawn to my attention. However, in each case the relationship of the extension to adjoining dwellings differs to that of the appeal proposal and nearby properties, and comparison is not therefore relevant. I also acknowledge that the proposal would meet the family's requirement for additional bedspace, but this should not be at the expense of the neighbours' living conditions.
8. For these reasons, I conclude that the proposed extension would materially harm the living conditions of the occupiers of nearby properties. It would therefore conflict with saved policy D2 of the *Kirklees Unitary Development Plan* (2007) which, amongst other things, seeks to ensure that proposals do not prejudice residential amenity.
9. Accordingly, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 19 December 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 21st December 2016

Appeal Ref: APP/Z4718/D/16/3159742

1 Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ

- 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 Mr M Javid against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/92039/W dated 8 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is a single-storey front extension with additional balcony.
-

Decision

1. The appeal is allowed and planning permission is granted for a single-storey front extension with additional balcony at: 1 Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ in accordance with the terms of the application, Ref: 2016/62/92039/W dated 8 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 scale, and Plan dated 18 August 2014 at 1:50 and 1:100 scale (as amended on 16 June 2016 showing balcony to front increased in size).

Background and Main Issue

2. Planning permission has already been granted for a single-storey front extension (projecting forwards by 1.6m), a hipped roof to the garage, a front-facing dormer window, and the facing of the front elevation in natural stone¹. In this approved scheme the front extension is shown with a lean-to roof extending the full width of the frontage. In place of the lean-to roof, the revised proposal before me shows a flat roof across the frontage forming a balcony, with a 1.1m high stone balustrade to the balcony front and side returns. The other elements of the approved scheme (dormer window, garage roof, stone cladding) remain unchanged.
3. The Council has raised no objections to the garage roof, dormer window, and stone cladding, or to the *principle* of a front extension. Given the separation distances, it has also raised no objections to the effect of the proposal on the living conditions of the occupiers of neighbouring properties. Based on my own observations I find no reason to disagree, and consider the one main issue in this case is the effect of the proposed front extension/balcony on the character and appearance of the host dwelling and surrounding area.

¹ 2014/92730

Reasons

4. The appeal concerns a detached property in an elevated position at the junction of Richmond Avenue and Cawthorne Avenue on a corner plot. The property fronts Cawthorne Avenue which mainly comprises rendered semi-detached houses following a fairly uniform building line, although there is a hipped roof detached bungalow immediately to the south facing the side elevation. More traditional and older terraced houses are found on Richmond Avenue. The area generally has a spacious open appearance. However, to my mind, due the many and varied house types and styles it exhibits no strong prevailing character or especially local distinctiveness.
5. The *National Planning Policy Framework* requires local planning authorities to encourage high quality design. However, it also says policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally. Amongst other considerations, saved Policy BE1 of the *Kirklees Unitary Development Plan* (UDP) requires all development to (i) create or retain a sense of identity in terms of design, scale, layout and materials, and (ii) respect the local topography. Policy BE2 has similar aims, and says (i) new development should be in keeping with its surroundings. Policy BE13 specifically concerns extensions, and says these should respect the design features of the existing house and adjacent buildings. Policy BE14 says, amongst other considerations, that extensions will normally be permitted unless they would have a detrimental effect on visual amenity.
6. The proposed development was near completion at the time of my site visit with only the stone balustrade to the balcony and garage roof remaining to be completed. The Council says the revised arrangement would introduce a large, prominent balcony feature on the front elevation in a dominant position which would lead to the property appearing over-dominant and incongruous in the street scene. It adds that such features are not evident in the surrounding area, and as such would not reflect local distinctiveness.
7. However, in the context of the surrounding area I consider it would not significantly undermine the architectural integrity of the host dwelling and would respect the character of the area to which it relates. Although balcony features are not in evidence in the locality, I do not consider the incorporation of a balcony into the design is particularly harmful or sufficient reason to make the scheme unacceptable. Indeed, the approved scheme featured a recessed balcony to the centre part of the front elevation. Furthermore, the proposal to clad the front elevation in natural stone (which has already been carried out), is more in keeping with the local vernacular and the distinctiveness of the area generally. Compared with the approved scheme, I do not consider that the substitution of a balustraded balcony for a lean-to roof would make the proposal appear more dominant or incongruous in the street scene to any materially harmful extent.
8. Overall, I conclude that the proposed development would harmonise with the design of the host dwelling and respect the character and appearance of the surrounding area. As such, I find no conflict with saved UDP Policies BE1, BE2, BE13 and BE14.

9. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. As the development is substantially complete, a time condition relating to the commencement of development is not necessary. The suggested condition requiring matching materials is not needed as these are clearly shown on the submitted plans. However, a condition to secure compliance with the submitted plans is needed for the avoidance of doubt and in the interests of proper planning.
10. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Appeal Decision

Site visit made on 19 December 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/Z4718/W/16/3158454
156 Trinity Street, Huddersfield. HD1 4DX

- 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 Mrs Halina Bujak against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/91526/W dated 18 May 2016 was refused by notice dated 15 July 2016.
 - The development proposed is change of use from residential (Class C3) to a non-residential institution (Class D1)
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential (Class C3) to a non-residential institution (Class D1) at 156 Trinity Street, Huddersfield. HD1 4DX in accordance with the terms of the application, Ref: 2016/62/91526/W dated 18 May 2016, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. I have taken the description of the proposed development from the Council's decision notice. Although it differs from that stated on the application form, I consider it more accurately describes the proposal.

Main Issues

3. I consider there are two main issues in this case. Firstly, the effect of the proposal on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Greenhead Park Conservation Area; and secondly, whether the proposal would result in increased pressure for parking on the surrounding streets, and if so whether it would be harmful to highway safety.

Reasons

4. The application relates to a Grade II listed building on a corner plot at the junction of Trinity Street and Vernon Avenue within the Greenhead Park Conservation Area. The building has been used variously as a hotel and social club and appears to have been last used for residential purposes.
5. The application describes the proposal as an education study centre. Supporting information states that the intended use would provide GCSE and 'A' level revision courses, pre-university study skills, English language courses,

IT support for senior citizens and a variety of other courses that would benefit the local community. It is indicated that there would be 3 full-time and 8 part-time staff, and that the opening times would be 10.00 Monday to Saturday and 10.00-16.00 on Sundays. The appellant states that at this stage, it is not envisaged that any alterations will be made to the building.

Listed Building/Conservation Area Issue

6. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of a heritage asset (including listed buildings and conservation areas), and any harm to their significance should require clear and convincing justification. Paragraph 128 places the onus on applicants to describe the significance of any heritage assets affected.
7. Saved Policy BE5 of the *Kirklees Unitary Development Plan* (UDP) says proposals for development in conservation areas, including changes of use, should respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area. I have not been referred to any UDP policies in relation to listed buildings.
8. The appellant has not attempted to describe the significance of the building or evaluate the impact of any proposed works on its significance. Nor has a companion listed building consent application been made as would normally be the case, as the appellant says this would follow if planning permission was granted for the change of use. What is evident is that the building is currently disused, and has been for many years, and by 2016 had fallen into a state of disrepair. In April 2016 the Council served an Emergency Prohibition Order under Section 43 of the *Housing Act 2004* stating that hazards exist at the property and, in effect, preventing all uses other than storage.
9. However, the Council has raised no objections to the proposal in terms of its effect on the significance of the listed building and the character and appearance of the conservation, and in the circumstances I find no reason to disagree. The proposal would bring about a viable use for a building which is clearly in need of repair and refurbishment, and would help secure its future. No external or internal alterations are proposed and I note the intention to restore as many original features as possible, and to use the rooms as they exist for teaching purposes and for an office.
10. Taking all these matters together, I consider that the proposal would preserve the special architectural and historic interest of this listed building. For the same reasons I consider that the character and appearance of this part of the Greenhead Park Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with UDP Policy BE5 and National planning policy in the Framework.

Parking/Highway Safety Issue

11. The Council's sole reason for refusal relates to highway safety, and its main concern (and that of many neighbours) relates to the intensification of use of the site in the context of added pressures for on-street parking. The application form indicates that 2 No off-street parking spaces would be provided, although subsequent information from the appellant indicates that 4 No spaces could be provided at the rear of the site (including one 'disabled' space). Although no layout plan has been submitted to demonstrate this I am satisfied from my site visit that 4 No spaces could be accommodated in this area.
12. The road junction adjacent to the site has standard waiting restrictions around it and a residents' parking permit scheme is in effect on Vernon Avenue and Trinity Street. There is some unrestricted parking a short distance from the site on Park Drive adjacent to Greenhead Park, although parking along here is often heavily subscribed during the day time. This was evident from my site visit. As such, the Council considers that the level of off-street parking proposed would be wholly inadequate to cater for staff and students, as well as from people dropping off and collecting students.
13. It considers the proposal would worsen levels of parking stress in an area where the majority of free spaces are taken up early in the day by town centre workers, together with parking demands from local residents (many of the large houses are subdivided into flats and student lets), the nearby driving test centre, and from events held at the Caribbean Club and Greenhead Park. It is also concerned that increased parking in and around the busy junction would have a harmful impact on highway safety and traffic management. These views are echoed in the responses received from a number of local residents.
14. Saved UDP Policy T10 says new development will not normally be permitted if it will create or materially add to highway safety problems, or cannot be adequately served by the existing highway network or public transport. Policy T11 says the provision of off-street parking will be required in accordance with the Council's standards as set out in UDP Appendix 2.
15. Based on these standards the Council indicates that 15 No parking spaces should be provided, although has not attempted to quantify this figure. However, Appendix 2 confirms that these are maximum standards, with lower levels of provision being appropriate where the proposed use can still operate effectively or where the developer wishes to provide fewer spaces, unless there would be significant adverse consequences for road safety or traffic management. With similar aims, paragraph 39 of the Framework says that when setting local parking standards, local planning authorities should take into account the accessibility and type of the development, and the availability of and opportunities for public transport.
16. In this case the site is well served by public transport and is on the edge of the town centre where several public car parks are available. Furthermore, given the nature of the proposed use, I accept that many of the primary users of the study centre (students) are unlikely to be car users. The building has been used in the past for various commercial purposes, and it appears to me that almost any future use (other than a single private dwelling) is likely to generate some additional activity and demand for car parking. In any event, an important material consideration is the fact that the building is listed, vacant and in need of an occupier to help secure its restoration and future. In my view

this factor weighs heavily in favour of the proposal, as does the Framework's support for sustainable economic growth and the provision of new jobs.

17. Overall, and based on the nature of the use and the accessible location, I consider the additional demand for parking is likely to be modest and capable of being absorbed into the surrounding streets where some spare capacity exists. Paragraph 32 of the Framework says development should only be prevented on transport grounds where the cumulative impacts would be severe. In this case I consider the impact would not be severe, and conclude on this issue that the proposal would not lead to a significantly increased demand for parking in the surrounding area or materially harm highway safety. As such, I find no conflict with UDP Policies T10 and T11 and the Framework.

Conditions

18. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition for the commencement of development, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. As potential uses of the building within Use Class D1 could be wide-ranging, I agree with the Council that a condition is needed to restrict the use specifically to an education study centre. This would allow the Council a degree of control over other potential uses in the interests of highway safety and residential amenity. For the avoidance of doubt I have also imposed a further condition which requires the submission and approval of details of the proposed parking area, before the development is brought into use.

Conclusion

19. I have taken account of the individual letters of objection from local residents and the Trinity and Greenhead Residents Association. These relate to the problems arising from parking pressures in the area, the impact on living conditions arising from the proposed opening hours, and a preference for residential use. Taken together, these demonstrate a considerable level of local feeling. Nonetheless, whilst I note these and other concerns, for the reasons given above none is sufficient to alter the considerations that have led to my conclusion.
20. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

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: Proposed Lower Ground Floor Plan; Proposed Ground Floor Plan, Proposed First Floor Plan; Proposed Attic Plan, all at 1:100 scale.
- 3) The premises shall be used for an education study centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the *Town and Country Planning (Use Classes) Order 1987* (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The building shall not be occupied until the area proposed for car parking at the rear of the building has been surfaced, marked out, and lit in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use hereby permitted shall only take place between the following hours:
1000 – 1800 Mondays - Saturdays
1000 -1600 Sundays.