



Appeal Decision

Site visit made on 3 April 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26th April 2019

Appeal Ref: APP/G2815/W/18/3214576

77 Kimbolton Road, Higham Ferrers NN10 8HL

- 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 Harmon of Seagrave Developments Ltd against the decision of East Northants District Council.
 - The application Ref 18/01038/FUL, dated 18 May 2018, was refused by notice dated 10 August 2018.
 - The development proposed is conversion of two duplex apartments into four apartments and one large apartment into two apartments with off street parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of two duplex apartments into four apartments and one large apartment into two apartments with off street parking, at 77 Kimbolton Road, Higham Ferrers NN10 8HL in accordance with the terms of the application, Ref 18/01038/FUL, dated 19 May 2018, subject to the following 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: KR-2016 CONS 6.0 Rev A and KR-2016 CONS 6.2 Rev C.

Main Issues

2. The main issues are:
 - (a) the effect of the proposal on parking provision and highway safety; and
 - (b) whether the proposal should make provision for infrastructure needs.

Reasons

Parking provision and highway safety

3. 77 Kimbolton Road contains a recently constructed residential development of 23 units with a mix of 8 houses and 15 apartments/duplexes. The apartments/duplexes are in a single block on the corner of Kimbolton Road and Chichele Street with a parking court to the rear. According to the Council, 26 parking spaces were granted at appeal in 2006 to serve 24 units, although the number of units was amended to 23 in a subsequent permission in 2016 where a terrace of 3 houses was reduced to a semi-detached pair.

4. The approved block plan provided with the appeal shows 17 spaces within the rear parking court (including one in a carport) where the allocation of spaces is not clear. On site, I noticed a further 8 spaces in an adjoining parking court to the north. The proposed block plan shows 20 spaces in the rear parking court and the numbering of spaces for each unit. This would result in a total parking provision of 28 spaces. The proposed block plan appears to have been implemented based on my site visit in terms of the parking spaces.
5. The proposal would result in two duplexes becoming 4 two-bed apartments and one larger two-bed apartment becoming 1 two-bed apartment and 1 one-bed apartment. This would result in a net gain of 3 units and a total of 26 units. Under the proposal, each unit in the corner block would get one parking space each, including the new units. Although interested parties refer to the dimensions of the spaces, nothing has been raised by the Council and at my site visit they appeared to adequately accommodate those vehicles that were parked there.
6. The Northamptonshire Parking Standards 2016 (NPS) seeks 1 space per one-bed dwelling and 2 spaces per two/three-bed dwelling plus visitor parking. Applied to the proposal with a net gain of 3 units, this generates a requirement for 6 parking spaces according to both main parties. Thus, there would be a deficit of provision against the NPS.
7. However, paragraph 105 of the National Planning Policy Framework (NPPF) states that parking standards should take into account various matters including the accessibility of the development, the type, mix and use of the development, and the availability of and opportunities for public transport. NPPF paragraph 108 also refers to sustainable transport modes and the need to ensure safe and suitable access to sites for all users.
8. The development is roughly a 5 minute walk to bus stops which provide regular services to nearby towns approximately every half an hour throughout the day on Mondays to Saturdays and hourly on Sundays. The centre of Higham Ferrers is around a further 5 minute walk, with access to local services and facilities including shops and schools. As a consequence, occupants of the existing and proposed development need not be wholly reliant on the private car to access services and facilities including commuting to places of work.
9. On-street parking capacity on surrounding streets appears to vary. At my mid-morning site visit, I observed that the southern half of Chichele Street was parked up partly due to the presence of two car workshops and a meeting hall as well as double yellow lines towards the junction with Kimbolton Road. Adjoining streets like Grove Street and Lancaster Street were also fairly parked up. However, there were spaces on these and other streets. The appellant's parking beat survey submitted with the appeal identifies parking stress levels below the 90% commonly used threshold, with spaces available on each street during an overnight observation on a September weekend in 2018. The Council has not sought to comment on or dispute this survey. Higham Ferrers Town Council refers to no spaces available at around 6pm on 12 March 2019, but this remark appears to only relate to Chichele Street.
10. It is possible that each new unit might require more than one car. However, the proximity of and access to decent public transport links and a range of services and facilities reduces this likelihood. Furthermore, even where off-site parking is required, the parking beat survey and my site visit observations

indicate that spare capacity exists within the surrounding area. The proposal might generate some parking from trade vehicles or visitors with the associated risk of accidents, but such parking would be intermittent and unlikely to be a significant amount given the relatively limited increase in the number of units. Comments that the appellant is only seeking financial gain is not a matter I can take into account as part of the planning process.

11. Concluding on this main issue, despite the lack of compliance with the NPS, I have had regard to NPPF paragraphs 105 and 108 and the site specific circumstances of the proposed development including the appellant's evidence. This indicates that a lower amount of parking provision than the NPS requires would not have a harmful effect on parking provision or highway safety. Thus, the proposal would accord with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) and Policy HF.TC4 of the Higham Ferrers Neighbourhood Plan 2011-2031 (HFNP) which require sufficient on and off-street parking for all new residential development, resist development that prejudice highway safety, and seek satisfactory provision of parking.

Infrastructure provision

12. The proposal would increase the number of units from 23 to 26, which the Council states triggers the requirement to make provisions towards infrastructure including education, libraries and potentially affordable housing. However, the Council has provided little evidence to support this statement. JCS Policy 10 deals with infrastructure provision in a broad context without any specific requirements. HFNP Policy HF.CD1 refers to financial contributions from developments of 11 dwellings or more, but with no further detail. Therefore, it is not possible to know what the Council requires and whether these requirements are necessary, relevant to the development and fair and reasonably related in scale and kind.
13. Furthermore, construction of the existing development is complete and many of the units are occupied and/or in separate ownership according to the appellant. My site visit appeared to confirm this. As a consequence, the proposal only seeks to provide 3 new dwellings rather than a total of 26. It has not been demonstrated that this additional provision is sufficient to trigger any contributions.
14. In conclusion, it has not been demonstrated that the proposal should make provision for infrastructure needs. Therefore, there would be no conflict with JCS Policy 10 or HFNP Policy HF.CD1.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for clarity and compliance.

Tom Gilbert-Wooldridge

INSPECTOR