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## Appeal Decision

Site visit made on 8 December 2021

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 February 2022**

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**Appeal Ref: APP/X1925/W/21/3275677**

**Land To The Rear Of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG**

- 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 Mike Adams against the decision of North Hertfordshire Council.
  - The application Ref 20/01638/FP, dated 27 July 2020, was refused by notice dated 15 April 2021.
  - The development proposed is conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area at land to the rear of Nos 61 and 61A Radcliffe Road, Hitchin SG5 1QG in accordance with the terms of the application, Ref 20/01638/FP, dated 27 July 2021 and the plans submitted with it, subject to the conditions listed at Appendix A.

### Preliminary Matters

2. During the determination of the application, the council changed the description of development to add additional detail. I have therefore used the description of development on the decision notice as this is a more complete reflection of the permission being sought.
3. My assessment focusses on the impacts of the appeal proposals on the availability of on-street car parking in the area, because the Council has taken no issue with the design of the scheme itself and I see no reason to disagree with this.

### Reasons

4. I consider the main issue to be the effect of the appeal proposals on parking provision within the area.
5. Radcliffe Road is a residential street close to the centre of Hitchin characterised by terraced and semi-detached dwellings arranged either side of the carriageway. Due to the arrangement of the housing along the street, which tend not to have driveways, there is very little off-street car parking available

- and those on-street parking spaces that are available, are regulated through a Controlled Parking Zone (CPZ) which offers a resident permit system, together with a short stay parking limit available for visitors of up to 2 hours, which is relaxed on weekends and bank holidays. The appellant has stated that all residents of Radcliffe Road are currently eligible to apply for resident and visitor permits and there is a very high take up of such permits from the evidence before me.
6. The location of the appeal site is well within walking distance of a number of day to day services and facilities located within Hitchin including supermarkets, leisure facilities, educational establishments, Hitchin railway station, bus routes, parks and health facilities. I would therefore expect pedestrian and cycle usage to be higher than average in a location such as this.
  7. At the time of the site visit, the street was busy with parked cars. Whilst I was able to find a parking space close to the appeal site, it would be reasonable to expect that the street would become much busier during the evenings and at weekends and this is borne out in the submitted statements made by third parties.
  8. As part of the appeal proposals, each new dwelling would have a single dedicated parking space as well as an additional space to serve the neighbouring dwelling at No 61A, which currently does not have an off-street parking space. The new driveway would require a crossover from Radcliffe Road, necessitating the loss of one on-street parking space. In order to ensure all vehicles can leave the driveway in a forward gear, the appellant proposes a 4.5m vehicle turntable which would be secured via a planning condition.
  9. In refusing planning permission, the council cite saved Policy 55 (Car Parking Standards) of the North Hertfordshire District Local Plan No.2 with Alterations (1996) (LP), which requires new development to provide car parking that is 'reasonably convenient to users' at a rate of 2 spaces per 3 bedroom dwelling. This policy is to be replaced by policy T2 (Parking) from the emerging North Hertfordshire Local Plan Proposed Submission (2016) (eLP).
  10. Further, the council cites Policy SP6 (Sustainable Transport) (b) of the eLP seeks to encourage development in sustainable locations and at (e) assesses development proposals against the parking standards set out in Appendix 4 of the eLP as well as additional unallocated parking for visitors at a rate of between 0.25 and 0.75 spaces per dwelling in the 'Vehicle Parking at New Development' Supplementary Planning Document (2011) (SPD). The policy allows that exceptions to the minimum parking requirements can be made in '*other accessible locations with the availability of a range of local services and good local sustainable transport options*'.
  11. Finally, the council have referred to Section 9 of the National Planning Policy Framework (the Framework). In this section, I am aware of para 107 which states that when setting parking standards, there is a need to take account of matters such as the accessibility of the development and availability of public transport; local car ownership levels and adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
  12. The appeal proposals would incorporate 3 new off-street parking spaces within the development. The appellant admits that this is a shortfall of 3 spaces, based on the standards set out above and having regard to the fact that each

- proposed dwelling will have one space, where the additional parking space for 61A is an additional benefit. I do not see this additional space altering the shortfall, which is a breach of the above policies, but it would reduce the pressure on the need for parking within the street, albeit by a negligible amount.
13. I note that in-curtilage electric car charging points are included in the proposals. These could not easily be provided if the development was solely dependent on the availability of on-street car parking as it would result in charging cables trailing over the public highway. I therefore consider this to be a benefit that weighs in favour of the proposals.
  14. Clearly, it is not possible to control or limit car ownership by new occupiers of the development in planning terms and it may well be the case that the under-provision of spaces within this development could result in additional pressure on the availability of on street parking spaces. However, given the sustainable location of the proposed development, there is a very real possibility that the level of car ownership by future occupiers could be lower. New occupiers of the development would be aware that they would only have a 'guarantee' of a single off-street parking space in any case.
  15. The appellants, in their final comments make the point that the overall number of resident's permits issued in the CPZ could rise from 226 to 228 if a permit was issued to the two new households. This would be, in my view, a very small proportionate increase overall.
  16. That said, I am also aware of the significant concerns expressed by local councillors and local residents of the cumulative impact that new development is having on the availability of on street parking and subsequent demand for resident and visitor parking permits. I have carefully considered the detailed objections and multiple petitions signed by a number of residents of Radcliffe Road. I have also considered an illustrative scheme submitted by an objector. This suggests an alternative arrangement of the dwellings all utilising the existing driveway serving No 61 Radcliffe Road on land which falls outside of the red and blue line boundaries for the appeal site. This would therefore include land the appellant does not own, based on their appeal submissions. Whilst I recognise the efforts of objectors in drawing my attention to this alternative, I am unconvinced that it would be remotely feasible given the area of land within the control of the appellant being much smaller. I am also required to solely determine the appeal proposals that are before me.
  17. I note from the council's submissions that there is some potential to amend the Traffic Regulation Order (TRO) which covers the CPZ. An amendment to the TRO would require further public consultation, potentially resulting in a tighter definition of who could qualify for a resident's permit (excluding, for instance, those who already have access to at least one off-street parking space). This is not a matter for me to determine here, but it is important to note that it remains an option open to the council going forwards.
  18. I am sympathetic to the council's views (and those of third parties) about increasing pressure on the CPZ. Indeed, this may continue as uses intensify through permitted development and other new permissions, as more previously developed sites are redeveloped in the area.

19. The appellant has submitted details of a number of other schemes within the same authority area and the same CPZ which have either no or significantly lower car parking ratios, based on the standards set out in the existing and emerging development plans.
20. I have, however, determined this appeal on its own merits: these proposals are of a small scale; they are sustainably located and the additional benefits of electric car charging and an additional off-street parking space for 61A all count in favour of the development. I therefore do not consider the harm resulting from the under-provision of car parking to be sufficient to warrant a refusal.
21. I therefore consider the benefits of the proposals to outweigh the breach of policies 55 of the LP; T2 and SP6 of the eLP as well as the SPD and relevant part of the Framework at section 9.

### **Other Matters**

22. I note from the submissions of third parties that there is concern over the construction phase of the proposed development, which would have the potential to cause additional noise and disruption to neighbouring occupiers.
23. I concur with this and have imposed planning condition 7 which will require the developers to submit a Construction Traffic Management Plan detailing amongst other things, the hours of operation for the site; access; parking; vehicle routing and 'making good' post-construction. This is a document that must be approved by the council prior to the commencement of construction.

### **Planning Conditions**

24. I have applied conditions 1 and 2 setting a time limit and specifying plans to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in the interests of certainty.
25. I have included landscaping conditions (3 and 4) to ensure that there is no harm to the character and appearance of the area. Condition 3 is a pre-commencement condition exceptionally, to ensure the quality of the proposals and overall appearance is agreed as early as possible for certainty.
26. Condition 5 (electric vehicle charging points) are required in the interests of improving air quality within the local area condition 6 is required to protect the health of neighbouring and future occupiers of the new dwellings.
27. Condition 7 is required to ensure the construction phase of the development is strictly controlled and minimises harm to the living conditions of neighbouring occupiers and protects highways safety, in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
28. Conditions 8 and 9 are pre-commencement conditions, requiring that a safe access is constructed and drained in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
29. Finally, I have imposed condition 10 to ensure the access is suitable for all road users.

**Conclusions**

30. For the reasons given, and having regard to all other matters raised, the appeal is allowed, subject to the conditions set out at Appendix A.

*Sian Griffiths*

INSPECTOR

## Appendix A: Planning 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: PL.01 – Site Location Plan; PL.02 – Existing Site Plan; PL.03A – Proposed Site Plan; PL.04 – Existing Plans & Elevations; PL.05A - Proposed Plans & Elevations.
- 3) Prior to occupation of the approved development, the following landscape details shall be submitted:
  - a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings
- 4) The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.
- 5) Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.
- 6) (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.  
  
(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
  - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

- 7) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall consist of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

- 8) No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in conjunction with HCC in relation to the proposed arrangements for future management and maintenance of the proposed turntable retained at the

position shown on the approved drawing number 20049 PL03 within the development. The turntable shall thereafter be maintained and operated in accordance with the approved management and maintenance details in perpetuity.

- 9) Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing number 20049 PL03. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 10) The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the rear edge of the adjacent footway.