



## Appeal Decision

Site Visit made on 22 June 2021

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

**Decision date: 8 July 2021**

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**Appeal Ref: APP/Z2505/W/21/3269427**

**Rear of 27 Argyle Street, Boston, PE21 8PJ**

- 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 V Petraitis against the decision of Boston Borough Council.
  - The application Ref B/20/0438, dated 4 November 2020, was refused by notice dated 22 December 2020.
  - The development proposed is a residential dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential dwelling at Rear of 27 Argyle Street, Boston, PE21 8PJ in accordance with the terms of the application, Ref B/20/0438, dated 4 November 2020, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of four years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in strict accordance with the application received 4 November 2021 and in accordance with the associated plans referenced:
    - Drawing Number 3065-01 Rev C Site Location Plan and Block Plan,
    - 3065-02 Rev E Proposed Elevations,
    - 3065-03 Rev D Proposed Floor Layout,
    - Air quality assessment and the Flood Risk Assessment
  - 3) No development above ground level shall take place until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 4) Demolition or construction works shall take place only between 08.00-18.00 on Mondays to Fridays and 09.00-13.00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
  - 5) Prior to the first occupation of the dwelling hereby approved details of all walls and fences, including details of their height, design and position, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as may be approved shall be constructed before the dwelling is occupied and retained thereafter.

- 6) The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement for water efficiency in Part G2 has been complied with.
- 7) An electric vehicle recharging point shall be installed before occupation of the dwelling hereby approved and retained thereafter.

### **Main Issue**

2. The main issue is the effect of the proposal on residential amenity of neighbours with particular reference to on-street car parking demand.

### **Reasons**

3. The appeal site is part of the garden of 27 Argyle Street (No 27) and currently provides off-street parking for this dwelling. It faces onto Laughton Road. Argyle Street and the area to the south is mainly fronted by terraces of houses of traditional appearance, set back behind modest front gardens. I observed little off-street parking provision there other than on corner plots. Argyle Street is designated the A1137 and is a bus route subject to on-street parking restrictions over its entire length. Parking restrictions are less prevalent in the wider vicinity of the site, with many of the side streets providing unrestricted parking.
4. Laughton Road and the area to the north is typified by more modern houses, again predominantly in terraces, but set back behind more generous gardens, often providing off-street parking. Similar parking arrangements exist in the side roads west of Brothertoft Road where development is less dense than the area to the south of Argyle Street.
5. A detached dwelling is proposed with two off-street parking spaces to the front. Thus No 27 would no longer have access to on-plot parking. The proposal would increase the number of dwellings within the site by one but provides no additional on-site parking. Policy 36 of the South East Lincolnshire Local Plan 2011-2036 (2019) (the Local Plan) requires that development should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities, unless a high quality-design can demonstrate that a lower standard of provision delivers the requirements set out within the policy. The proposal requires the provision of an additional two car and one cycle parking spaces.
6. Whilst the existing occupiers of No 27 choose only to keep one car, the property is a three-bedroomed dwelling and potential exists for future occupiers to seek to keep more than one car.
7. The reasoned justification for the policy allows that, in exceptional cases the parking standards can be reduced if this is justified by a high quality design. Whilst not explicitly stated, a reduction could include a nil provision, should that be justified by the design of the proposal. My attention has been brought to previous residential development which has had a nil parking provision; however, I have limited detailed information before me on these and I have, in any case, determined this appeal on its own merits.
8. There are two convenience stores on Argyle Street which would provide for the day-to-day shopping needs of residents of No 27. Residents would also have access to bus stops on Brothertoft Road and Fydell Street within easy walking

- distance. These would provide links to shops and services in the town centre, including a large convenience store and a railway station, which would provide opportunities for onward travel.
9. Whilst the appellant refers to nearby urban cycle routes there is no information before me to identify the location of these or their connectivity. However, the local streets are subject to a 30 MPH speed limit and lit. The land is relatively flat and there appears to be little to deter a competent cyclist from using the local highway network.
  10. Although I have little evidence before me of the frequency of service of public transport, it is unlikely that the occupiers of the development would be wholly reliant on the private car for their day-to-day needs. However, the nearest large convenience store and other services are some distance away and it is likely that there would remain some dependency on the private car for bulky shopping. Thus, notwithstanding the accessibility of shops and services nearby, it is likely that there would still be some incentive for the occupiers of No 27 to continue to keep a car.
  11. Argyle Street lies on the boundary between two areas of differing character, with denser housing to the south with few opportunities for off-street parking whilst to the north and west, development is less dense and there are more opportunities for residents to park on-plot whilst retaining opportunities to park on-street.
  12. The appellant has provided an assessment of on-street parking in the area. However, this assessment was in the form of a photographic record, rather than a beat survey which would include an assessment of the number of available parking spaces. It does, however, illustrate a degree of available kerb space to the north of Argyle Street and, whilst only a snapshot in time, the general levels of on-street parking reflect what I saw on-site. The number of on-street spaces is limited and this, in itself is likely to act as a deterrent to the keeping of cars, although not precluding it. The width of streets would, in places, restrict access, particularly to emergency and service vehicles if parking were to occur on both sides at the same time. However I observed during my site visit that suitable passing space was generally available at reasonable intervals.
  13. The survey was carried out between 08.00 and 08.30 on a Friday. At that time the country was in lockdown as a result of the Covid-19 pandemic and people were advised to stay at home. I therefore consider that the observations give a reasonable visual assessment of on-street parking in the area, albeit that they lack an assessment of the number of parking spaces available on-street without obstructing traffic flow.
  14. The appellant has identified several opportunities in the wider area for off-street parking. Many of the identified car parks are a significant distance from the site and would not provide a practicable parking for No 27. Other nearby parking identified, such as the Asda Car park are private car parks provided for the use of customers. Access for long stay parking for non-customers could be withdrawn and so these are not an alternative to provision on land within the appellant's control or public car parks in general use.
  15. The appellant has identified Irby Street Car Park as being the closest to the appeal site. It is run by the Council and season tickets are available to park in

- it. In the appellant's parking survey spaces were seen to be available. Nonetheless, there would be a charge for parking therein, and it is likely that spaces on street, with no parking cost, would be a more attractive alternative in the first instance.
16. Bringing these matters together it is likely that the proposal will create a demand to accommodate displaced car parking on-street and that this demand would compete with existing residential uses in the area.
  17. The development would not make car parking provision in strict accordance with Policy 36 of the Local Plan. However, I find that it is unlikely that the occupiers of the development would be wholly reliant on the private car for their day-to-day needs. Whilst the occupiers of No 27 may keep cars, the characteristics of the area would act, to a degree, as a deterrent limiting their number and there is little substantive evidence before me that a small addition of cars parking on-street would cause anything other than a limited adverse impact upon the amenity of neighbours.
  18. No evidence has been provided that the proposal would result in an adverse effect on highway safety and I note that the Local Highway Authority (LHA) has not objected on safety grounds.
  19. I conclude that there would be the potential for limited negative impact on the amenity of neighbours through an increase in on-street car parking demand. The proposal is not, therefore, in strict accordance with Policies 2, 3 and 36 of the Local Plan which, amongst other things, require that development must address sustainable development considerations in regard to amenity of the area and make provision for the parking of cars and bicycles. I have found that the impact upon residential amenity resultant from the development would be limited, and I will return to this matter in my assessment of the planning balance.

### **Other Matters**

20. I note the concerns of neighbours regarding increased enclosure of their garden by the proposed dwelling, the effect on a tree and disturbance during construction works and when people move into the property. The proposal would introduce a two storey structure with a blank wall, close to the boundary, however the garden of that property is comparatively long and the principal amenity would be likely to be associated with the area nearest to the existing dwelling. The boundary would remain largely open and so, whilst there would be an increase in the degree of enclosure this would not, in this case, amount to material harm. Whilst the existing tree overhangs the site, it has no protection, in planning terms, and I note that it is not considered by the Council to hold any high amenity value. The tree is well set back from the public realm and the contribution that it makes to the street scene is limited. The tree is on private land and so any dispute regarding damage to it is a matter that falls outside the scope of this appeal.
21. Whilst there is likely to be some disturbance during building work, the scale of the development is relatively small scale. Any disturbance during building works would be likely to be relatively short term and so this is unlikely to result in material harm. Whilst the increase in the number of households in the area is likely to increase activity, with associated disturbance, there is no evidence

before me that the activities would be exceptional in an urban area such as this, or constitute antisocial behaviour.

### **Conditions**

22. I have had regard to the planning conditions suggested by the Council. In the interests of certainty I have added the standard condition stipulating time limits and a condition upon the development requiring that it be built in accordance with the approved plans. The time condition sets the limit of four years for commencement of development rather than the more usual three to reflect the current economic uncertainty resultant from the Covid-19 pandemic.
23. With the same aim of ensuring certainty in what is built and to ensure that this is in keeping with the character and appearance of the surrounding area, I have added a condition requiring the submission of details of external finishes for approval prior to any works above ground. Similarly I have added a condition requiring the submission of details of all boundary structures.
24. I have placed conditions on the development requiring the limitation of water usage and the provision of an electric charging point for vehicles. These conditions are necessary to limit the environmental impact of the proposal in accordance with Council policies intended to manage water stress and pollution, and encourage more sustainable transport modes.
25. These conditions correspond to the conditions suggested by the Council; however I have amended the wording for clarity, enforceability and to remove unnecessary delay to commencement of works on site.
26. The site lies within a residential area and construction works have potential to adversely affect the residential amenity of neighbours. I have therefore added a condition limiting the hours of working on site. The main parties have been given the opportunity to comment on this condition and have raised no objection to its imposition.

### **Planning Balance and Conclusion**

27. The National Planning Policy Framework (2019) (the Framework) advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety". As will be seen above I have not found that the proposal would unacceptably affect highway safety.
28. However, the Framework recognises, in Paragraph 127, the importance of creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and the importance of parking and other transport considerations in the design of schemes, and their contribution to making high quality places.
29. The Framework also recognises the need to take into account the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport and local car ownership levels in assessing the need for parking provision.
30. The policies in the development plan that are most important in this case (Policies 2, 3 and 36 of the Local Plan) are consistent with the aims and policies

set out in Sections 2, 9 and 12 of the Framework and, therefore, are not out-of-date.

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
32. I have found that the proposal would not make car parking provision in strict accordance with Policy 36 of the Local Plan and that there would be the potential for limited negative impact on the amenity of neighbours.
33. The development would provide benefits in terms of delivering an additional home to boost housing supply. The Council's identified housing need figure is not a maximum and the additional home would provide a modest benefit, given the Government's aim of significantly increasing the delivery of housing. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. Taken together, given the scale of development these benefits, though modest, would outweigh the limited harm that I have identified.
34. Although the proposal is in conflict with the development plan there are material considerations in this instance that indicate that a decision should be made otherwise than in accordance with it. For these reasons I conclude that the appeal should be allowed.

*I Dyer*

INSPECTOR