



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/08/2023

Appeal reference: CAS-02608-W1K4Y1

Site address: 10 Bishops Grove, Penydarren, Merthyr Tydfil, CF47 9LJ

- 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 Tracey Price against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/22/0187, dated 15 July 2022, was refused by notice dated 13 January 2023.
 - The development proposed is an attached single garage to the side elevation of property.
 - A site visit was made on 27 June 2023.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on highway safety, with particular regard to parking provision.

Reasons

3. The appeal site comprises the side off street parking space and garden area to No. 10 Bishops Grove (No. 10). A parking space to No. 11 Bishops Grove (No. 11) is located adjacent to the site. The orientation of the dwellings results in the two side spaces being angled towards each other, with overlapping access points from the shared highway. The proposal seeks to erect a lean-to single garage off No. 10's side elevation, set back approximately 1.35m from the front elevation with a 3m width, thus encroaching into a gravelled triangular section that separates the two spaces. The proposal would require the removal of a fence and timber outbuilding to the side of No. 10.
4. Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP), amongst other matters, requires new development to demonstrate that any traffic movements will not have an unacceptable impact on highway safety and satisfy the Council's parking standards. Supplementary Planning Guidance Note No. 6 A Design Guide for Householder Development (SPG), provides design guidance on garages, including the location of on site parking and highlights highway safety issues associated with increased levels of on street parking.
5. The Council confirm that both Nos. 10 and 11 were originally served by two side parking spaces, which overlapped at the front. This has been reduced to one side space each, by virtue of previous development to each property. The Council does not object to the

amount of parking that is already provided, and, in this respect, the proposed garage would replace, rather than remove No. 10's existing parking space.

6. The proposed site plan shows that the front external corner of the garage would be set back from the edge of No. 11's tarmacked parking space. The garage's side elevation would, thereafter, run progressively further away from this space, as it continues to the rear. Accordingly, it would leave sufficient space for accessing and leaving a vehicle parked in No. 11's space.
7. During my site visit, I saw that access to either space would be impeded by a car already parked in the other space, by virtue of their overlapping access points, creating a tight parking arrangement, as shown in photographs submitted within a local objection to the application. Parking within the proposed garage would move No. 10's existing space further back from this access point, which would improve the parking arrangement for one vehicle only, because it would not project out and overlap the shared access.
8. However, although the appellant states the proposal would improve highway safety by removing on street parking for one vehicle, the proposed site plan indicates that the area in front of the garage would be used for parking, obstructing the access to the neighbouring parking space. In addition, in a response to a suggested condition to prevent such parking or obstruction within this area, the appellant has confirmed an intention to park here, citing the inconvenience of using the garage for parking all of the time. Moreover the appellant says that the garage would be used for some small storage space. Whilst the nature and extent of this space is not specified, this nevertheless has the potential to impede the space available for parking inside, and for persons accessing and moving around the vehicle itself, which would make the garage less attractive as a primary parking space. The tandem nature of the parking arrangement also means that if a car is already parked in front of the garage when it is empty, a second car would need to be temporarily parked on the highway. In these circumstances, it is likely that on occasion, the occupiers of No 10 would still seek parking on the adjacent highway, with the obstruction of No 11's parking space further adding to the on-street parking demand. Regular parking in front of the proposed garage would also be likely to discourage the general use of No. 11's parking space even at times when its access would be available, for fear of being subsequently blocked in. I find therefore that the proposal would materially exacerbate the existing pressure for parking on this part of the highway, including on the access and turning area, which would cause congestion and manoeuvring difficulties for other highway users.
9. I acknowledge the appellant's intention to comply with condition no. 11 of the original permission (ref P/96/0254) by retaining 2 parking spaces, however, this is not dependant on the appeal scheme, as the shed and fence could be removed to provide such parking. It is also contended that the appellant owns all of the land in question, however access across the land is currently a matter of legal dispute. I therefore give this limited weight.
10. I conclude that the proposal would be harmful to highway safety and contrary to the intentions of LDP Policy SW11 and the SPG.

Other Matters

11. The Council considers the proposal to be acceptable with respect to its impact upon the character and appearance of the area and overshadowing and overbearing impacts upon the living conditions of neighbouring occupants, to which I have no reason to disagree. These matters would not, however, outweigh the above identified harm. The value of property and its saleability do not form valid material planning considerations to this appeal.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR