

Application Recommended for Approval
Rosehill with Burnley Wood Ward

APP/2018/0581

Full Planning Application
Proposed garage conversion to living accommodation
16 ROSEWOOD AVENUE BURNLEY

Background:

This is a retrospective application that relates to a semi-detached house.

An objection on car parking grounds has been received from the Highway Authority.

Relevant Policies:

National Planning Policy Framework [NPPF]

Burnley's Local Plan (2018) [BLP]

HS5 – House Extensions and Alterations

IC3: Car Parking Standards

Site History:

12/79/0300: Proposed attached garage for private motor vehicle, kitchen extension and front porch and construction of new access and driveway – Granted

APP/2018/0462: Proposed garage conversion (Lawful Development Certificate application) – Refused

Consultation Responses:

Highway Authority (HA) – Objection to the proposal as follows:

The conversion of a garage to a bedroom will alter the dwelling to a 4 bedroomed dwelling, which, applying Burnley's Parking Standards, should require 3 off-street parking spaces. Whilst the school may not generate much of a parking issue during the day they usually only become an issue at the start and finish of the school day, when children are being taken to or collected from school. To this end we would wish that the availability of the off street parking for the dwelling be increased.

Planning and Environmental Considerations:

The application relates to a semi-detached, two-storey dwelling house in a suburban residential area of the Borough.

The house has an attached garage and a front driveway, and the proposal relates to conversion of the garage to living accommodation. The works of conversion are 'permitted development' and have already been carried out.



Application site

The use of the land is residential, and ordinarily, the dwelling house, including any extended part, could be used for residential purposes: no material change of use would ordinarily be involved. And, building operations involved in the conversion would be 'permitted development', that is: development permitted by Article 3 and Class A, Part 1, of Schedule 2 of The town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However, this matter is out of that 'ordinary' because the garage, when erected, was subject to a restrictive planning condition.

Under reference 12/79/0300, planning permission was granted for the following description of development:

Proposed attached garage for private motor vehicle, kitchen extension and front porch and construction of new access and driveway.

A condition of the permission was as follows:

The garage hereby approved shall not be used for any purpose other than the housing of a private motor vehicle and those purposes incidental to the enjoyment of the dwelling house and no trade or business shall be carried out therefrom.

Reason

In the interests of amenity and to ensure that an isolated commercial activity is not established in the area.

Decisions in court and by Planning Inspector support the view that *incidental to the enjoyment of the dwelling house* does not include use as primary living accommodation.

The conclusion, then, was that planning permission was required for the proposed use as living accommodation, hence the present application.

Planning issue

The sole planning issue is the impact of on-street car parking arising from the development.

On that matter the Highway Authority response raises an objection on the basis that the Car Parking Standards (**Policy IC3**) requires 3 off-street car parking spaces for a 4-bedroomed house.

The relevant **Policy IC3** makes the following provision in relation to car parking in residential areas:

Adequate car parking should be provided for developments as appropriate to their nature and scale. When applying parking standards, the Council will consider the overall merits of the proposal and the following matters/objectives:

- a) The need to encourage the use of alternative means of travel to the private car;*
- b) The availability of existing public parking provision or on-street parking nearby;*
- c) Whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems; and*
- d) The need to provide increased housing quality and choice.*

Residential Development Standards

For residential schemes, development will be expected to provide a minimum number of parking spaces per new dwelling depending on their type and location. These minimum standards are set out in Appendix 9. Parking provision should not normally exceed the maximums set out.

Adequate provision for cycle parking will also be expected.

Assessing the proposal against the policy, firstly, the dwelling is in a residential area close to Manchester Road which is served by frequent bus services to Burnley town centre, railway station and to Manchester City Centre. The site is, therefore, in a moderately sustainable location.

The semi-detached house lies at the end of the residential block and adjoins a primary school. The road is traffic calmed. The house has just one driveway space and there is no proposal to add parking space within the property. However, the house has a frontage of 13m which is just sufficient for two street parking spaces. (See following image).



Frontage of the house

The use has already started. On a mid-morning site visit, the school being in session, it was noted that there was little parking congestion, with only one car parked along the extensive street frontage of the school.

On that basis, there is a reasonable amount of on-street space during the school day to accommodate any overflow parking arising from the enlarged bedroom space at the property.

The HA says that school parking usually only becomes an issue at the start and finish of the school day. This is the concentrated period of coming and going of vehicles that affects close to schools. Some adverse impact on street parking may result from the proposal.

The **NPPF** paragraph 109 says that:

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

No reference is made by HA to any form of severe impact; this report forms the view that, whilst there is likely to be some degree of adverse impact on street parking arrangements, it would not be of such a severe nature as to warrant refusal of the application.

Account should be taken of the fact that, whilst the forecourt of the dwelling could possibly be adapted to add a parking space, it would lead to a significant loss to the visual amenities of the house and area generally.

Recommendation:

That planning permission be Granted subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location Plan; Existing Site Plan; Proposed Site Plan; Garage Conversion Plan No. 2432-01 Rev A, received 12 December 2018.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.

AR 5.7.2019