

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2019/5001 **Planning Ref:** P2019/0250

PINS Ref: APP/Y6930/A/19/3231111

Applicant: Mr Ian Gough

Proposal: Removal of condition 3 of planning permission P2018/0867 to remove the restriction on the use of garage for the parking of motor vehicles, bicycles and the storage of bins in association with the approved flats and preventing the renting out, use or being sold separately from the flats.

Site Address: 36 Rockingham Terrace, Briton Ferry, Neath.

Appeal Method: Written Representation.

Decision Date: 06/09/19.

Decision: Allowed.

[Appeal Decision Letter](#)

In November 2018 planning permission was granted for the change of use of a single dwelling into two self-contained 2-bedroom flats (LPA Ref: P2018/0867). The permission contained a condition (condition 3) which restricted the use of the double garage to the parking of motor vehicles, bicycles and the storage of bins in association with the occupiers of the flats and to ensure that it cannot be rented out, used or sold separately from the flats.

A Section 73 application was submitted to remove Condition 3 in March 2019 and was refused by the Council, and that decision was the subject of this appeal. The main issue concerned the effect of removing the disputed condition upon highway safety.

The Appellant had undertaken a car parking survey where the site was visited over a weekend period on four occasions during peak parking demand at 07:00hrs and 19:00hrs. The survey results showed that there were between 6 – 8 on street parking spaces available within 15m of the site, and it was noted that on all occasions further on-street parking was available beyond 15m, but these were not recorded. Notwithstanding the findings of the Appellant's parking survey, the Council contended that the surrounding streets were operating at full capacity at regular intervals during the day, which resulted in residents having no option other than to park illegally or indiscriminately within junctions and grass verges. However, the Council did not provide its own detailed parking survey to counter the conclusions drawn within the Appellant's evidence.

During his site visit the Inspector noted that the Council had not implemented parking restrictions and traffic management on the majority of streets in the area, as a result parking is unrestricted along most of the surrounding streets close to the appeal site. He also noticed that many other such opportunities were available within adjoining streets. However, he continued on to state that it was not difficult to envisage that, at certain times of day such as in the evenings after work and at weekends, competition for spaces could be more difficult for residents and visitors alike.

He concluded by stating that he was satisfied that the current availability of on-street parking spaces along the surrounding unrestricted streets, and the highly sustainable location of the appeal property, would offset the loss of the two spaces within the garage and that it was not necessary to continue to impose the restrictions on the double garage as set out in Condition No 3 of planning permission Ref: P2018/0867 and that to allow the removal of these restrictions, would not result in significant harm to highway safety and would not be contrary to Policies TR2 and BE1 of the Adopted Neath Port Talbot Local Development Plan, 2016.

He concurred with the Council that a new condition relating to the provision of bins and cycle storage was required in the interests of the amenity of the occupiers of the two flats.