



Appeal Decision

Site visit made on 20 February 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2018

Appeal Ref: APP/F4410/W/17/3186851

86 Crookes Broom Lane, Hatfield, Doncaster, South Yorkshire, DN7 6LD

- 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 Miss Charlotte Killgallon, Charlotte's Little Learners, against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/01674/FUL, dated 28 June 2017, was refused by notice dated 3 October 2017.
 - The development proposed is described as 'child minding'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on highway safety with particular reference to car parking; and
 - The effect of the proposal on the living conditions of nearby occupiers with particular reference to noise and disturbance; and
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a semi-detached bungalow in a residential area. The proposal concerns the use of part of the dwelling for a childminding business with up to 10 children at any time. The use has already commenced. The business employs one part time and two full time members of staff and the opening hours sought are 07.30 to 18.00 hours Monday to Friday.

Highway safety

4. Although the Council's Development Guidance and Requirements Supplementary Planning Document recommends two parking spaces for a domestic dwelling, I have not been made aware of any particular parking standards for a childminding business. There is an existing garage at the appeal property and as things stand the appellant considers that there is space for three cars to park on the drive. She indicates that whilst her own and her mother's cars are parked on the drive, since her two members of staff live locally and walk to work, there is still space for one customer to park there.

5. As part of the appeal proposal, the appellant indicates that the appeal property's frontage could be used for parking for four cars. However, no further details to demonstrate how the parking spaces would be provided, along with adequate space for turning and manoeuvring such that cars could exit the site in a forward gear, have been submitted. I am also conscious that the current circumstances of the appellant and her business they may alter in the future. Planning permission runs with the land and it cannot be assumed that employees will always live nearby or that they will not seek to park on the driveway. Nor have I seen anything to demonstrate how the possibility of multiple customers visiting the site at the same time can be precluded.
6. This being so, and in the absence of any further information to show how adequate staff and customer parking could be satisfactorily accommodated on the site, it seems to me that some car parking off site is likely and cannot be ruled out. The appellant suggests that visitors could utilise the car park associated with the parade of shops opposite the site. However, this is not within the appellant's ownership or control and I note the views of the Council that it is often busy with few spaces available. I am also mindful that using that car park would mean customers and young children having to cross the road to reach the appeal property and so may not be particularly convenient.
7. Some of the children could be from the local area and walked to the appeal property. There is also the possibility that customers may have more than one child attending the appeal property with the potential for linked trips. Nevertheless, some customers will arrive by car and it seems to me that they are likely to park on the road outside the appeal site where there are no parking restrictions. This arrangement is also indicated on the submitted plans. The appellant advises that the majority of drop-offs and pick-ups are in the mornings and evenings and occur at staggered times with some change overs at lunchtimes. I appreciate that a situation whereby 10 drop-offs and 10 picks-up occur at the same time does not arise. Nevertheless, the proposal has the potential to lead to a considerable increase in the number of vehicles seeking to park on Crookes Broom Lane.
8. Crookes Broom Lane is a busy local road. It is also a bus route and there is a bus stop opposite the appeal property. Additionally the appeal property is close to the junction with Station Road and opposite the entrance to the parade of shops and its car park. I appreciate that customers are respectful of the appellant's neighbours and do not park over drives or block other cars. I also note that children get in and out of cars safely on to the pavement. The Council's Highway Officer raises no objections to the proposal and is satisfied that the drop-off and pick-up times do not conflict with local school traffic. There is also the possibility that some of the morning drop-offs may take place before the adjacent shops are open. Additionally the appellant refers to the bus times not being very regular (every 2 hours).
9. Even so, in the context described, it seems to me that an increase in the number of cars parking on Crookes Broom Lane is likely to compromise the free flow of traffic there. Vehicles would not be able to pass each other and traffic would be limited to single flow, which would result in vehicles, including buses, waiting in the carriageway. This would take place in the vicinity of other vehicles waiting and turning at both the junction with Station Road, and at the entrance to the shops, as well as near to the bus stop. Overall I consider this situation to be unsatisfactory and detrimental to highway safety.

10. I therefore conclude on this main issue that the proposal is harmful to highway safety with particular reference to car parking. This is contrary to Policy CS14 of the Doncaster Core Strategy (Core Strategy) which seeks to ensure that the components of development, including (amongst other things) movement patterns, are assessed to ensure that the development is robustly designed and works functionally and will make a positive contribution to achieving the qualities of a successful place, which include quality, stability, safety and security of private property, public areas and the highway (criterion 3).

Living conditions

11. The appeal property's rear garden is used as a play area. The appellant advises that it is only used when the weather is fine and even then only for short periods. The children are also taken to the local park and on walks round the village. The timing of the use of the garden could be controlled via a planning condition and I am aware of the appellant's willingness to talk to her neighbours to discuss appropriate play times. I also note that their initial excitement at using the garden has subsided and the children are now quieter there.
12. However, the garden is very close to the neighbouring residential properties and adjoins the rear gardens of the adjacent dwellings. Local residents refer to the noise from children playing and from staff at the appeal property being unduly loud and disruptive and audible in both their gardens and their houses. Even taking into account the factors outlined above, the noise arising from up to 10 children playing in what is a relatively small outdoor area is in my view likely to cause undue noise and disturbance to nearby occupiers.
13. Additionally, noise and disturbance is generated by the comings and goings of additional vehicles and people to the appeal property. This includes the banging of car doors, revving of engines and general noise arising from parents and children entering and leaving the appeal property. These activities take place in relatively close proximity to nearby houses and are likely to be noisy and intrusive, particularly early in the morning at drop-off times when background noise would be generally diminished.
14. I therefore conclude on this main issue that the proposal is harmful to the living conditions of nearby occupiers with particular reference to noise and disturbance. This is contrary to Core Strategy Policy CS14 which states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. It conflicts with Policy PH12 of the Doncaster Unitary Development Plan which is permissive of non-residential uses of appropriate scale provided the use would not cause unacceptable loss of residential amenity through for example excessive traffic, noise, fumes, smells or unsightliness. It also undermines the core planning principle of the National Planning Policy Framework (the Framework) to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

15. As set out above, the proposal would lead to the creation of a car parking area to the front of the property to accommodate four cars. Although the appellant indicates that no changes would be made to the outside of the house, in practical terms I cannot see how those spaces could be provided without re-

configuring the appeal property's frontage and in particular utilising the lawn area. I understand that the appellant already uses the frontage for car parking and there are examples of off street car parking to the front of residential properties nearby. However, in the absence of any further details as to how the proposed parking area would be provided and laid out, including whether the existing boundary wall and hedge would be retained, I share the Council's concerns that the creation of a parking area for four cars has the potential to dominate the appeal property's frontage. This would be at odds with the residential character and appearance of the host property and the street scene and would fail to integrate well with its immediate surroundings.

16. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Core Strategy Policy CS14 which requires high quality design that contributes to local distinctiveness, responds positively to existing site features and integrates well with its immediate and surrounding local area. It would also fail to support the core planning principle of the Framework to secure high quality design.

Other matters

17. The Highway Officer refers to a fall back position whereby a childminding business for 6 children (rather than 10 as proposed) would not require planning permission. Whilst I note the Council's view that this may not necessarily be the case, I am aware of the appellant's intention to continue as a sole childminder with 6 children on that basis. However, I am content that any such development not requiring planning permission would not be as intensive as the proposal before me. The appellant operated her childminding business from her previous home without any problems. She has been in business for three years and helps parents get back to work by providing cost effective childcare. She has always employed two members of staff whose contracts would be terminated if the appeal is unsuccessful. Whilst these are benefits of the scheme, even taken together and with the fall back position, they are insufficient to outweigh the harm I have identified in relation to the main issues in this case.
18. The appellant refers to an objection from someone who does not live in the area. Be that as it may, I confirm that I have considered the appeal scheme on its individual planning merits and made my own assessment as to its impacts.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR