
Appeal Decision

Site visit made on 15 November 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2016

Appeal Ref: APP/D3505/D/16/3159945

22 Crownfield Road, Glemsford, Sudbury, Suffolk CO10 7UL

- 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 C Durcan against the decision of Babergh District Council.
 - The application Ref B/16/01005/FHA/MECO, dated 19 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion at 22 Crownfield Road, Glemsford, Sudbury, Suffolk CO10 7UL in accordance with the terms of the application, Ref B/16/01005/FHA/MECO, dated 19 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 04, 05, 06 and 07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. At the time of my visit, the rear of the garage/car port was enclosed by boarding, with a patio area and shed within the garden. Although I understand that this enclosure was in place when the appellant purchased the property, it is not a matter of dispute that permission is required for the proposal, due to a restrictive condition of the original permission for the dwelling, which requires the space to be retained as a parking area. From the details provided, the planning application sought permission to convert the garage to additional living accommodation and I intend to consider the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety and the convenience of other highway users, including pedestrians.

Reasons

4. The appeal site is located on a modern housing estate, within a predominantly residential area. The layout of the estate tends to comprise individual dwellings fronting the public highway which, in the vicinity of the appeal site, includes
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defined footways separated from the carriageway by kerbed edgings and grass verges. The appeal dwelling is a mid-terrace two-storey house, which is similar in its design and appearance to its immediate neighbours. In common with adjoining properties, the design of the dwelling appears to incorporate an integral garage, which is set back from the highway and accessed by a short private drive. However, from the details provided, whilst the property includes a garage door to the front elevation, this element was not originally enclosed to the rear, as it was intended that two vehicles would be accommodated within the site, parked in tandem.

5. I understand that the appellant does not currently make use of these on-site spaces, but parks on the highway and on the private drive fronting the car port. The *Babergh Local Plan (Alteration No 2) 2006* (LP) Policy TP15 seeks to ensure that off-street parking is provided for new development in accordance with local parking standards. However, the appellant indicates that the approved parking arrangements do not provide a reasonable or feasible form of on-site parking, in practical terms. For these reasons, it has been suggested that the proposal would not have a material effect on the existing parking arrangements associated with the dwelling and, even if permission were to be refused, the space would be very unlikely to be used for its originally intended purpose.
6. Having regard to the evidence before me, including the restricted size of the car port, the relatively modest rear garden and the absence of parking or other restrictions within the area to prevent on-street parking, or parking on the appeal driveway, there is nothing before me that would lead me to an alternative view in these regards. Nonetheless, whilst I consider that the use of these spaces would be unlikely, some use of this area for parking may still be possible. As the appeal scheme would prevent its use for this purpose and remove the on-site provision, it is necessary to consider the likely impact of the proposal in this regard.
7. It is not a matter of contention that the length of this driveway is such that it is unable to fully accommodate a vehicle without some overhang of the footway. Given the length of the driveway and from the evidence provided, the extent of this overhang would appear to be relatively limited. In addition, at this point, the footway is of a reasonable width and set back some distance from the carriageway, separated from it by a wide verge, and it adjoins the joint crossover provided from the highway to the appeal site and the neighbouring dwelling. As a result, given these conditions, whilst a parked vehicle in this location may result in some inconvenience to pedestrians, I consider that the extent of this would be very limited and would not lead to harmful conflict, or be sufficient to find against the scheme for this reason.
8. Concerns have also been raised about the impact of cars parked in this location on the visibility achievable from the junction with Abbotts Place. Very little substantive evidence has been provided in this respect. However, from my observations on site, whilst a vehicle parked on the appeal driveway may result in some reduction in visibility, the extent of this impact would be modest. Furthermore, having regard to the configuration and character of the local highway network, I consider that traffic speeds in the vicinity of the site are very likely to be low. Moreover, given the local context, these vehicle movements would be largely undertaken by drivers who could be reasonably expected to be familiar with the local environment. Consequently, taking into account these local highway conditions, I consider that the level of visibility achievable would not be unreasonable or detrimental to highway safety.
9. Furthermore, the appeal proposal concerns one dwelling and, given its limited size, I consider that the level and type of on-street parking demand reasonably likely to

be generated would be relatively modest. As such and taking into account the layout, configuration and nature of the local highway network, I am satisfied that the proposal and the consequent loss on on-site parking would not have a materially significant effect on highway safety in this particular case, including in relation to visibility. I am also mindful of the Written Ministerial Statement, dated 25 March 2015 and, for the reasons given, consider that it has not been adequately demonstrated that this particular proposal would have an unacceptably harmful impact on the management of the local road network.

10. Concerns have been expressed that a decision to allow the appeal could lead to other similar proposals nearby, the cumulative impact of which would be severe. However, as I have found that the appeal development would be acceptable, I am not persuaded that my decision in this case would make it difficult for the Council to resist demonstrably harmful proposals elsewhere.
11. Accordingly, overall, I conclude that the proposal would not have a harmful effect on highway safety and would not cause unacceptable inconvenience to other highway users, including pedestrians. Whilst it would not accord with LP TP15, for the reasons given, I consider that clear and compelling justification has not been provided in this case to prevent the loss of the on-site parking provision. As such, the proposal would not conflict with the aims of paragraph 32 of the National Planning Policy Framework, to only prevent development on transport grounds where the residual cumulative impacts are severe.

Other matters

12. It has not been suggested, nor do I consider from the evidence available to me, that the proposal would have an unacceptable effect on local character and appearance, or that it would be harmful to neighbouring living conditions. Accordingly, neither of these matters represent appropriate reasons to find against the proposal or lead me to alter my findings above.
13. Although it has been suggested that the proposal would have a number of personal benefits to the appellant, given my findings above, it is not necessary for me to consider these matters further.

Conditions and conclusion

14. The Council has suggested a condition requiring the use of matching external materials for the development which, in the interests of the character and appearance of the area, is necessary. In addition, for the avoidance of doubt, it is necessary that the development is carried out in accordance with the approved plans.
15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR