The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/V1505/W/16/3159823
134 Lincoln Road, Basildon, Essex SS14 3RL

- 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 Steven Morton against the decision of Basildon District Council.
- The application Ref 16/00306/FULL, dated 17 March 2016, was refused by notice dated 10 May 2016.
- The development proposed is construction of a two bedroom dwelling house on land adjacent to 134 Lincoln Road Basildon.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a two bedroom dwelling house on land adjacent to 134 Lincoln Road Basildon at 134 Lincoln Road, Basildon, Essex SS14 3RL in accordance with the terms of the application, 16/00306/FULL, dated 17 March 2016 subject to the conditions set out in the schedule to this decision notice.

Preliminary matter

2. The appellant has supplied revised details of a one bedroom dwelling with one off street parking space with his appeal statement. However, this has not been the subject of consultation with all relevant third parties. If I were to accept the plan therefore it is likely that interested parties would be prejudiced. For clarity therefore I have considered the appeal based on the plan of a two bedroom dwelling with no off street parking that the Council used to determine the planning application.

Main Issue

3. The main issue is the effect of the proposal on highway safety, and the convenience of other road users and nearby occupiers in the area.

Reasons

Highway safety

4. The appeal site forms the side garden of 134 Lincoln Road. There is no dispute between the parties that the site is suitable for residential development subject to compliance with relevant Policies of the Basildon District Local Plan Saved Policies 2007 (the Local Plan).

5. The area is characterised by rows of two storey terraced houses interspersed with four storey maisonette blocks. Generally dwellings do not have access to off street parking. Instead areas of communal parking are provided. The appeal proposal would continue this theme through the siting of a two bedroom end terrace property with no off street parking.

6. The Essex Parking Standards Design and Good Practice Supplementary Planning Document 2009 (the SPD) requires that for a dwelling containing two or more bedrooms, two off-street parking spaces are provided measuring 5.5 x 2.9 metres. This is not possible on the appeal site and therefore the proposal would be contrary to the guidance within the SPD.

7. Nonetheless I saw at the time of my site visit late on a Sunday afternoon that parking spaces were available within the communal parking areas and I had no problem parking safely within sight of the location of the proposed dwelling. While I appreciate that my site visit is only a snap shot in time I would expect parking within the area on a Sunday afternoon to be fairly representative of parking demand at its highest level when most residents are at home. Furthermore, I have been supplied with no evidence that parking is causing a problem either to residents or causing unacceptable safety issues.

8. I noted that there is no restriction on parking along Glyne Way and Lincoln Road. Even so neither road was subject to excessive or unsafe, inconsiderate parking. I appreciate that residents may wish to park near to their house and the Council suggest that residents appear to use the hard-surfaced footpath area directly south of 134-137 Lincoln Road, rather than in areas not in view of their property. This was not my experience. However, the area has been designed based on communal parking and there is nothing before me to suggest that unauthorised overspill parking could not be effectively controlled through other mechanisms, especially given the availability of spaces in the communal parking areas.

9. The proposal is for a small two bedroom house. As a result it would be unlikely to generate significant levels of traffic requiring on street parking over and above that already occurring. Given my findings above therefore, based on the evidence available to me, I find it very unlikely that the limited additional demand for on street parking associated with the proposal would result in unacceptable inconvenience to other road users and nearby occupiers or have an adverse impact on highway safety.

10. For the reasons above I conclude that the proposal would not be harmful to highway safety, and the convenience of other road users and nearby occupiers in the area. Therefore, while it would be contrary to guidance contained in the SPD there would be no conflict with saved Policy BAS BE12 (v) of the Local Plan and it would meet the aims of paragraph 32 of the National Planning Policy Framework (the Framework). These require that development does not cause material harm with regard to traffic danger or congestion and should achieve safe and suitable access to the site and only be prevented on transport grounds where the residual cumulative impacts are severe.

Conditions

11. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as

necessary to comply with those documents. In the interests of clarity it is necessary that there is a condition requiring that the development is carried out in accordance with the approved plans.

12. Given the location of the appeal site in a residential area then it is necessary to impose a condition regarding working hours to protect the living conditions of nearby residents. A condition requiring details of boundary treatment is imposed in the interests of the character and appearance of the area. I have altered the wording as I do not consider the details are required prior to work commencing. A condition requiring details of an area for unloading materials is necessary in the interests of highway safety. However, I do not consider, given the limited nature of the scheme that a condition regarding wheel washing is necessary. Furthermore having regard to the comments of the Council's agricultural officer and the limited size of the site, I do not consider a condition regarding protecting existing trees is necessary. Moreover, this would be a small scheme where landscaping should be left to the discretion of the owners.

13. I have carefully considered the Council's submitted condition regarding the removal of permitted development rights. Paragraph 017 of the Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I have seen no convincing reason for this being an exceptional circumstance for removing permitted development rights and therefore I have not imposed this condition.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plan: 20163011.

3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details of all screen walls, fences or other means of enclosure to be erected on the site have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to the first occupation of the dwelling.

4) No construction work shall be carried out on the site during the following periods:

   (a) On Mondays to Fridays inclusive before 0700 and after 1900

   (b) On Saturdays before 0700 and after 1600

   (c) The whole of Sundays, Bank and Public Holidays

5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details of the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.