
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: 28th December 2016

Appeal Ref: APP/H1515/W/16/3158763

Sherwood, Nine Ashes Road, Blackmore, Essex CM4 0QW

- 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 Ms Diana Weston against the decision of Brentwood Borough Council.
 - The application Ref 15/01619/FUL, dated 3 December 2015, was refused by notice dated 7 April 2016.
 - The development proposed is to split the house into two separate dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted to split the house into two separate dwellings at Sherwood, Nine Ashes Road, Blackmore, Essex CM4 0QW in accordance with the terms of the application, Ref 15/01619/FUL, dated 3 December 2015 subject to the conditions set out in the schedule to this decision notice.

Procedural issue

2. The council has confirmed in their statement that at the time of considering the planning application they made an error in applying the relevant garden space standards from the Brentwood Replacement Local Plan 2005 (the Local Plan) to the proposal. As a result they now consider that the proposal would have sufficient garden space to meet the standard for flats. Consequently they no longer wish to pursue the part of the reason for refusal relating to substandard garden provision. I see no reason to depart from that view and therefore I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. Sherwood, Nine Ashes Road is a four bedroom detached house, albeit linked to the neighbouring property by means of the attached garage. It is set back from the road and the area to the front of the dwelling comprises hard standing.
 5. The proposal is for the conversion of the property into two, two bedroom flats. As a result the Essex County Council's Vehicle Parking Standards: Design and Good Practice 2009 which was adopted as a Supplementary Planning Document in 2011 (the SPD) requires that four car parking spaces are provided on site
-

- each measuring 5.5 x 2.9 metres. Only in exceptional circumstances should the bay sizes be reduced to 5.5 x 2.5 metres. There is no definition of exceptional circumstances other than they would be determined by the Council.
6. The area available for off street parking around Sherwood is limited and it is agreed that the spaces available would not meet the minimum sizes required in the SPD.
 7. Nonetheless I saw that two cars could be accommodated to the front of Sherwoods without using the existing garage. In addition two cars could be parked to the side of the property without encroaching onto the highway. I acknowledge that the layout is not ideal in that movement of the car to the rear at the side would be reliant on the driver of the car behind to be available. Furthermore one of the cars at the front of the dwelling would be parked close to a proposed bedroom window.
 8. However the bedroom has a further two windows to the rear and therefore occupiers would have an outlook over the proposed garden area. Moreover Sherwood is a four bedroom property and the appellant advises that four adults have lived at the property with four cars which have been accommodated within the curtilage. Based on the evidence submitted and my observations I have no reason to doubt this statement.
 9. While therefore the parking spaces would not be of a size to meet the requirements of the SPD I have seen no evidence to suggest that as a result there would be a need for cars to park on the highway. Even if this were the case, I saw that there is no restriction on parking within the highway within the vicinity of the appeal site. In addition the carriageway was of such a width to allow road side parking without significantly harming the free flow of traffic. Furthermore, from my observations on site and the limited evidence supplied I have seen nothing to suggest that there is a high demand for on street parking in the area. Therefore I do not consider that the limited impact of the required parking for one additional dwelling would have a significant adverse impact on highway safety.
 10. I note the comments of both the Highway Authority and the Parish Council regarding the provision of a dropped kerb. Cars accessing the parking spaces to the side of Sherwoods would have to manoeuvre over the footway. Therefore I consider it necessary that a drop kerb is installed to allow cars to access the spaces easily and safely from the highway and avoid potential conflict with pedestrians. However, this could be achieved through the imposition of a suitably worded condition.
 11. Furthermore, I saw that the appeal site is located within walking distance of local facilities and a bus stop. The bus timetable provided by the appellant shows that there is a fairly regular service to Brentwood which has a larger range of services and employment. While therefore the appeal site is within a rural settlement it has good access via transport options other than the car to day to day facilities. The proposed occupiers would not therefore be reliant on having access to a car.
 12. For the reasons above I conclude that the proposal would not be harmful to highway safety. Therefore while it would not be in accordance with the guidance within the SPD, regarding the size of the parking spaces, it would be in accordance with saved Policies T2 and CP1 (iv) of the Local Plan. These

require that there is not an unacceptable detrimental impact on the transport system and that parking and servicing arrangements are satisfactory.

Other matters

13. The appellant refers to various other applications for planning permission which she considers to be similar to the appeal scheme which have been approved without car parking. However I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case I have determined the appeal based on its own merits.

Conditions

14. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy 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.
15. The Council has suggested that a condition be imposed regarding the submission of a landscaping scheme. However, any landscaping would be restricted to the rear garden and this would be a small scheme where landscaping should be left to the discretion of the owners.
16. The Council also suggest a condition requiring that the parking spaces be laid out. However the area is already hard surfaced. I do though consider it necessary to impose a condition requiring that the space be available at all times for parking in the interests of highway safety.

Conclusion

17. 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 plans: 09-05-16_01, 09-05-16_02.
- 3) Prior to the implementation of the use a new dropped kerb vehicle crossing shall be installed to access parking spaces on the western side of the proposed flats in accordance with drawings to be submitted to and approved in writing by the local planning authority.
- 4) The area of hardstanding to the front and side of the proposed flats shall be retained and kept available for car parking at all times.