
Appeal Decision

Site visit made on 2 May 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 4 May 2017

Appeal Ref: APP/A1530/W/17/3167595

287 Ipswich Road, Colchester CO4 0HW

- 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 G J Taylor against the decision of Colchester Borough Council.
 - The application Ref 161355, dated 25 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is the erection of a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling at 287 Ipswich Road, Colchester CO4 0HW in accordance with the terms of the application, Ref 161355, dated 25 May 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety with particular regard to the proposed and manoeuvring parking arrangements.

Reasons

3. The appeal property is a semi-detached building which has been converted into two one bedroom flats. It is proposed to demolish an outbuilding to the side on the main building and erect a two storey extension, linked at first floor level, to create a new one bedroom house. The site is served by a single point of access off of Ipswich Road. The front forecourt is largely hard-surfaced and accommodates two car parking spaces and a manoeuvring area for the existing flats. A third parking space sharing the same manoeuvring area and access is proposed for the new house.
 4. Policy DP19 of the Council's Development Policies 2010 (DP) advises that the Essex Planning Officers Association Vehicle Parking Standards 2009 (VPS) has been adopted as a Supplementary Planning Document and that one bedroom dwellings should be provided with a minimum of one parking space. Although the policy goes on to state that 0.25 spaces per dwelling should be provided for visitors, the reason for refusal does not take issue with the number of spaces proposed and, whilst this matter is referred to briefly in the Council's statement, there is no substantive evidence to suggest that the absence of visitor parking would cause harm. Rather, the Council contends that the existing parking spaces do not meet the VPS preferred size for spaces of 5.5 x
-

- 2.9m and that, whilst the new space is dimensioned on application drawing 387/04 to be 5.5 x 2.9m, it scales 5.2 x 2.8m.
5. The existing and proposed site plans (drawing numbers /02 and /04 respectively) show the existing parking spaces to be the same size and in the same location and there is no substantive evidence to indicate that they would be altered as a result of the appeal proposal. Nor is there any evidence to show that the existing parking and manoeuvring arrangements have led to highway safety problems. Therefore, whether or not they meet the current VPS size requirements is not a matter for this appeal.
 6. With regard to the discrepancy between the dimensioned and scaled size of the new parking space, the appellant's statement contends that the dimensioned size, which accords with the VPS, can be achieved. The Council has suggested a condition requiring the development to be carried out in accordance with the approved plans, which would include the dimensions given shown on drawing /04. I will impose this condition. The highway authority did not object to the proposal subject, amongst other things, to a condition requiring parking spaces to be a minimum of 5.5 x 2.9m. The appellant has not commented on this condition and, for the avoidance of doubt, I will impose a clarified version of that condition. These conditions would ensure that the permission could only be implemented in accordance with the VPS in respect of the new parking space.
 7. The parties also disagree on the width of the manoeuvring area serving the parking spaces. The appellant contends that the VPS requirement of 6m can be met, whilst the Council puts the width at as little as 5.4m depending on the length adopted for the car parking spaces. Again, there is nothing to suggest that the width of this area has caused highway safety problems. Whilst the new space would be longer than the existing spaces, it is evident from the application drawings, and I saw on the site visit, that the site widens towards the front where the new space would be located. Moreover, I saw on the visit that there is a fairly wide footpath and a verge between the site boundary and the Ipswich Road carriageway and that there is good visibility in both directions from the site access. As such, I am not persuaded that, even if the manoeuvring area is the width that the Council contends, it would pose a risk to highway safety.
 8. The Council has also expressed concern regarding the width of the space between the existing parking space and the front of the existing building. However, since there is nothing to indicate that the position of the existing space is proposed to change, that is not a matter for this appeal.
 9. Overall therefore, I find that the proposal would not be detrimental to highway safety with particular regard to the proposed parking and manoeuvring arrangements. As such, it would not conflict with the underlying aims of DP Policies DP12 or DP19 insofar as they require development to be guided by a high standard of design and layout and to accord with the VPS. No would it conflict with the Council's Backland and Infill Supplementary Planning Document (adopted Sept 2009 and revised 2010) insofar as it has similar aims.

Other Matters

10. Concern has been expressed locally that the proposal would create a terrace of three properties which would be out of character with its surroundings and

would reduce the value of the semi-detached dwelling at No 289. I saw on the site visit that there is a variety of built forms along this section of Ipswich Road including detached, semi-detached and terraced dwellings. The proposed dwelling would fit within this range. It would also complement the existing building in its siting, scale and appearance. A condition could be used to ensure the use of appropriate materials. Consequently, I consider that the proposal would not have a harmful effect on the character and appearance of the area.

11. The effect of the proposal on property values is not a planning matter.

Conditions

12. The Council has suggested a list of seven conditions. With amendments for clarity, I find that they meet the tests set out in the Planning Practice Guidance. A condition specifying the approved plans is necessary in the interests of certainty. As mentioned above, a condition requiring further approval of the external materials to be used in the building is required to safeguard the character and appearance of the area. A condition requiring further approval, implementation and retention of the boundary treatments is also required for this reason.
13. Conditions controlling the provision and retention the parking and turning areas and preventing the use of unbound material within 6m of the highway boundary are necessary in the interests of highway safety. I will impose a condition specifying the size of the proposed car parking space for the same reason. A condition requiring the first floor window in the side elevation of the proposed dwelling to be non-openable and obscure glazed is required to safeguard the living conditions of the neighbouring occupier.

Conclusion

14. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

Schedule of conditions attached to Appeal Ref: APP/A1530/W/17/3167595 287 Ipswich Road, Colchester CO4 0HW

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawing numbers: 387/01, /02, /04, /05 and /06.
- 3) No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4) No works shall take place until details of the provision, siting, design and materials of boundary treatment screen walls and fences have been submitted

to and agreed, in writing, by the Local Planning Authority. The approved boundary treatment shall then be erected prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained in the approved form.

- 5) Prior to the first occupation of the dwelling, the vehicle parking and turning area indicated on the approved plans shall be hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking and turning area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development hereby approved and for the flats at 287 Ipswich Road.
- 6) The parking space serving the proposed dwelling shall have minimum dimensions of 2.9 metres x 5.5 metres.
- 7) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 8) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) (or any Order revoking and re-enacting that Order with or without modification), the first floor side window serving the landing of the new dwelling as shown on drawing /05 shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.