The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/N1540/D/19/3236696
104 Ashworth Place, Harlow CM17 9PW

- 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 Graham Sturton against the decision of Harlow District Council.
- The application Ref HW/HSE/19/00179, dated 10 May 2019, was refused by notice dated 14 August 2019.
- The development proposed is to remove the garage door and install a low level wall (brick to match existing) and double glazed window (upvc to match existing). Knock through from the hallway into the garage to open up into another room. Internal door to be installed into room from hallway.

Decision

1. The appeal is allowed and planning permission is granted to remove the garage door and install a low level wall (brick to match existing) and double glazed window (upvc to match existing). Knock through from the hallway into the garage to open up into another room. Internal door to be installed into room from hallway at 104 Ashworth Place, Harlow CM17 9PW in accordance with the terms of the application, HW/HSE/19/00179, dated 10 May 2019, subject to the following 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 drawings: 1005_PL01, 1005_PL03, 1005_PL04, 1005_PL06, 1005_PL07 and Block Plan.

   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.

   4) The area in front of the existing dwelling shall be retained at all times for the parking of vehicles as shown on the submitted Block Plan.

Preliminary Matter

2. There is an appeal at the neighbouring property for a similar proposal[1]. However, they are not linked and I have determined this case on its own merits and the evidence presented to me.

[1] APP/N1540/D/19/3233222

Main Issue

3. The main issue is the effect of the proposed development on parking conditions and consequently highway safety and the free flow of traffic.

Reasons

4. The appeal site is a detached property located in Ashworth Place, a residential cul-de-sac. There is no formal footpath and the road appears as a shared surface, with the area nearest the properties in a different shade of brick. To the side of the property there is a double garage, although only the nearest garage is associated with the host property. To the front of the dwelling there is an area of block paving which connects to the existing driveway in front of the garage. The proposal seeks to convert the existing garage into a habitable room.

5. Policy T9 of the Harlow Replacement Local Plan (HRLP) (2006) requires new development to provide vehicle parking in accordance with the adopted vehicle parking standards, as set out in Appendix 2.

6. The Essex Parking Standards (2009) requires houses with more than 2 bedrooms to have 2 off-street parking spaces of 2.9 metres by 5.5 metres. The proposal meets these requirements, therefore, it accords with Policy T9 of the HRLP and the EPS.

7. The area in front of the property is already being used to park vehicles. The location and orientation of this area means that parked car would be positioned parallel to the highway. The Council has stated that drivers of cars parked in this area would have poor visibility when exiting the site and would cause a highway safety issue.

8. The appellant has submitted a photograph showing that it would possible for a car to leave the area at the front of the house in a forward-facing position. Even if vehicles left the site by reversing, the driver would have a reasonable level of visibility of the road. As the road is set out as a shared surface, vehicles and pedestrians are more likely to take a cautious approach. In any case, vehicles and pedestrians would have a reasonable view of the vehicle movements as they approached it. Whilst I acknowledge that the positioning of the lamppost restricts the possibilities of some movements, it would not cause a significant visibility issue for vehicles exiting the property. The vehicle movements would be similar to the existing vehicle movements which may occur on the driveways, as vehicles may not always leave in a forward-facing position.

9. I have not been presented with any substantive evidence to suggest that the existing arrangement has had a harmful effect on highway safety. Therefore, I do not consider the parking arrangement would give rise to significant harm in this regard.

10. The Council has also suggested that the proposal would obstruct the free flow of traffic. However, the proposal can accommodate 2 off-street vehicle spaces which meets the requirements of the vehicle parking standards. Therefore, the location of the proposed parking areas for the vehicles would not cause an obstruction on the adjacent road. As the property is located in a cul-de-sac the vehicle and pedestrian movements in this area are likely to be limited. Even if there was a vehicle parked on the road, it is wide enough for another vehicle to pass.

11. The appellant has also suggested that the garage conversion at No 118 Ashworth Place has been completed without planning permission, however, I have not been provided with evidence of its planning status. In any event, the presence of that

scheme does not necessarily make this proposal acceptable and I have assessed the proposal before me on its own merits and within its own context.

12. I note that a local resident, whilst not objecting to the proposal, raised concerns including parking provision during construction and there being a general parking problem in the area, particularly with driveways being blocked. However, given the construction associated with the proposal would only be a temporary issue, and taking into account the small scale of the proposal this would not cause significant harm. I have not been presented with substantive evidence to support claims around driveways being blocked and although only a snap shot, I did not observe any examples of this on my site visit. It was also raised that they would prefer if the proposal was for the demolition of the garage rather than a conversion. However, this is not what is before me, and I have assessed the proposal as submitted.

13. For the reasons set out above, the proposed development would not adversely affect parking provision and consequently highway safety and the flow of traffic. Therefore, it would accord with Policy T9 of the HRLP and the EPS. This Policy and guidance seek development to provide vehicle parking in accordance with the adopted vehicle parking standards.

Other Matters

14. I note the appellant has raised issues in regards to previous planning applications that he has submitted. However, this is not a determinative factor for this appeal.

15. I also note that a local resident raised concerns around whether the proposal would comply with the Construction, Design and Management Regulations 2015. However, I have not been presented with evidence to suggest that the appeal should be dismissed on this basis.

Conditions

16. In addition to the standard 3-year time limitation for commencement of development, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt.

17. In order to protect the character and appearance of the area, I have also imposed a condition requiring that external materials used in the construction of the conversion, shall match those of the existing building.

18. It is also necessary to ensure that the existing parking area is kept available for parking in the interest of highway safety.

Conclusion

19. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR