
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: 20th December 2019

Appeal Ref: APP/N1540/D/19/3233222
105 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 Mashood Iqbal against the decision of Harlow District Council.
 - The application Ref HW/HSE/19/00127, dated 28 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is the conversion of single storey garage to a habitable room, with a new door and window to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of single storey garage to a habitable room, with a new door and window to front elevation at 105 Ashworth Place, Harlow CM17 9PW in accordance with the terms of the application, Ref HW/HSE/19/00127, dated 28 March 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: Location Plan, HK/01, HK/02, HK/03 and HK/04.
 - 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 drawing HK/02 and HK/04.

Preliminary Matter

2. An appeal for a similar proposal¹ in respect of the neighbouring property has been submitted. However, they are not linked and I have determined this case on its own merits and the evidence presented to me.

Main Issue

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

¹ APP/N1540/D/19/3236696

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. The property is linked to the adjacent property by a garage. 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. As the property has at least 2 bedrooms, the parking standards require the provision of 2 spaces. The proposal would have space to park a car in front of the garage and to the front of the property. Therefore, it would meet the vehicle parking standard requirements for this property.
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 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. 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. For the reasons set out above, the proposed development would not adversely affect parking provision and consequently highway safety and the free flow of traffic. Therefore, it would accord with Policy T9 of the HRLP. This policy seeks development to provide vehicle parking in accordance with the adopted vehicle parking standards.

Other Matters

12. The appellant has suggested that the Highway Committee were not consulted on this application, however, this is not a determinative matter for this appeal. In any case I have used my own judgement on the evidence before me in assessing the proposal.

Conditions

13. 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.
14. 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 proposal shall match those of the existing building.
15. It is also necessary to ensure that the existing parking area is kept available for parking in the interest of highway safety.

Conclusion

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

D Peppitt

INSPECTOR