



Appeal Decision

Site visit made on 8 June 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2020

Appeal Ref: APP/M1595/D/20/3246792

The Warren, Ridgwell Avenue, Orsett RM16 3HP

- 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 Tony Scaddan against the decision of Thurrock Borough Council.
 - The application Ref 19/01744, dated 28 November 2019, was refused by notice dated 10 February 2020.
 - The development proposed as described "*to convert our integral garage into a study as I work from home and we need the spare room for a new baby due Feb 2020*".
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Decision

1. The appeal is allowed and planning permission is granted for the development as described "*to convert our integral garage into a study as I work from home and we need the spare room for a new baby due Feb 2020*" at The Warren, Ridgwell Avenue, Orsett RM16 3HP in accordance with the application Ref 19/01744 dated 28 November 2019, subject to the following conditions: -
 - a) The development hereby permitted shall be implemented in accordance with drawing number 1336 01 Revision P1.
 - b) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. With regard to the site address I have taken the spelling of Ridgwell Avenue from the highway street sign on site although I note it has been spelt differently on other documents, including those plans that support the proposal. In addition, I have taken the description of the proposed development from the planning application form although I note it is expressed differently on other documents. The Council's decision notice describes the proposal as a garage conversion into habitable room. The plans that support the proposal reflect this. For clarity, I have considered the proposal on the basis of it being a conversion of the garage to internal habitable living accommodation.
3. The appellant indicates that the development as applied for has been commenced. I was able to see that the garage had been converted to internal accommodation at the time of my visit. Whilst I have no reason to doubt that the development that has taken place on site accords with the submitted plan,

for the purpose of clarity I have considered the appeal on the basis of the plans that supported the planning application that are now the subject of this appeal.

Main Issue

4. The main issue is the effect of the proposed development upon highway safety.

Reasons

5. Ridgwell Avenue is a narrow highway that would only facilitate parking along one side of the highway. Whilst there are no parking restrictions in place along Ridgwell Avenue, I observed that there is a high demand for on-street parking within the vicinity of the appeal site. The loss of the garage parking space as a result of converting it to habitable living accommodation would displace this existing parking facility elsewhere.
6. To compensate for the garage parking space the appellant has proposed utilising the space within the frontage of the site for parking. However, the Council's Highways adviser comments that the parking layout proposed is not acceptable.
7. Notwithstanding the appellant's efforts to compensate for the loss of the existing garage, the applicant contends that he has not been able to use his garage as a car parking space due to the constrained width of the garage. I note that in responding to the Council the Highway adviser comments in respect of the additional parking bay proposed at the site frontage that a minimum size requirement for that parking space would be 5m by 2.5m, with an increase in width to 2.8m when adjacent to a fence or a wall.
8. The appellant advises that the garage has a width of 2.3m (232cm) and a photograph provided shows that the garage is bordered by walls either side. This is well below the requirement for a vehicle that would be parked adjacent a wall or fence. In addition, the appellant has provided details pertaining to what appears to me to be an average sized car. That vehicle would have a width of 1.81m (excluding wing mirrors). The details illustrate that with doors open either side the width of the car would be 4.16m. On the available evidence there would be difficulty opening even one door within the space available within the garage to a width that might facilitate easy vehicle access and egress.
9. I, therefore, consider the limited width of the garage space would render it extremely difficult to get into and out of a vehicle when parked within this space. Consequently, this would be extremely likely to discourage parking a vehicle in this space. Indeed, the appellant advises that due to the width constraints he has never been able to use the garage as a car parking space. In pragmatic terms, the proposal would not result in the loss of a useable parking facility. Furthermore, it would not be likely to lead to additional parking on street as there would be no change to the current parking circumstances at the appeal site. Therefore, the adverse impact upon pedestrians and highway safety would be unchanged.
10. For these reasons, I conclude that the proposed development would not harm highway safety. As such, the proposed development would not materially conflict with Policies PMD8 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015. These policies seek, amongst other

matters, development to comply with adopted parking standards and not to prejudice road safety.

Conditions

11. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Policy Guidance. Given the development has already taken place, noting the Council has confirmed this to be the case in its Delegated Report, there is no need to impose the standard time limit condition for implementation in this instance.
12. Although a conversion has taken place at the appeal site, I cannot be certain that the development has taken place in full accordance with the plans before me. In such circumstances and in the interests of certainty it is appropriate to impose a condition that requires the development to be implemented in accordance with the approved plans, as well as a condition that requires the development to match the external surfaces of the existing building.
13. Condition a) above refers only to drawing number 1336 01 Revision P1. This is because the additional parking space illustrated on drawing number 1336 01 Revision P2 would not comply with road safety standards, as noted by the Council's Highways adviser. Therefore, the parking detail shown on the Revision P2 plan would not be acceptable in planning terms and, therefore, should not be, and is not, subject to this planning permission.

Conclusion

14. Having regard the above findings, the appeal should be allowed.

Nicola Davies

INSPECTOR