



Appeal Decision

Site visit made on 29 June 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/B1550/W/19/3242221

The Mill, St. John's Road, Great Wakering, Essex SS3 0AL

- 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 Natalie Ellis (Prestige Pets) against the decision of Rochford District Council.
 - The application Ref 19/00110/FUL, dated 6 February 2019, was refused by notice dated 10 September 2019.
 - The development proposed is the change of use of existing buildings to provide 5 no. 1-bed flats with associated parking and amenity space. Including alteration and part demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not:
 - the proposal would provide satisfactory living conditions for future occupants, with particular regard to external amenity space; and
 - the proposal's parking arrangement would be acceptable having regard to its effect upon highway safety and the living conditions of the occupants of surrounding properties.

Reasons

Living Conditions

3. The appeal site is a backland plot that accommodates two vacant buildings formerly used for commercial purposes. These are located within a residential area and access to them is taken from St. John's Road, between two pairs of semi-detached dwellings. This proposal seeks permission to alter the buildings at the appeal site to facilitate their change of use to five, one-bedroom, dwellings.
4. Policy DM3 of the Rochford District Council Local Development Framework Development Management Plan (DMP) concerns infilling, residential intensification and 'backland' development and is referred to in the Council's appeal statement. This policy requires the adequate provision of private amenity space for proposed dwellings as set out in the Rochford District Council Supplementary Planning Document 2 Housing Design (SPD). In this instance, the SPD requires that a communal garden is provided which is a minimum of

125sq.m in size (25sq.m per flat). I have nothing substantive before me to suggest that such a requirement is not reasonable for a scheme of this nature.

5. The proposal would provide a central communal garden area which would be around 106sq.m in size. It would therefore fail to meet the SPD's minimum standard in terms of size by approximately 19sq.m, which is not an insignificant shortfall. As such, I find that the proposal's communal garden would be an unduly restricted space that would not be suitable for the combination of activities associated with five flats. There may be circumstances in which it may be acceptable to deviate from the garden sizes within the SPD. However, I have no substantive evidence, such as an indication of alternative areas of external amenity space nearby which could be easily accessed by future occupants, to show that they should not be adhered to in this instance.
6. For the reasons given, I conclude that the proposal would not provide satisfactory living conditions for future occupants in terms of external amenity space. It would therefore conflict with Policy DM3 of the DMP and the guidance of the SPD insofar as they seek to secure suitable external amenity space for developments. It would also conflict with the National Planning Policy Framework (the Framework) insofar as it seeks to secure a high standard of amenity for future users.

Parking Arrangement

7. Some of the properties in St. John's Road have off-street parking areas to their front. However, there also appears to be a reliance on uncontrolled on-street parking spaces in the immediate area. In accordance with Policy DM30 of the DMP, the parking requirement for this proposal seems to be a minimum of seven off-street spaces. This would consist of five spaces for future occupants and two additional visitor spaces. The scheme would only provide five off-street spaces in total, one for each new dwelling, and would therefore fall short of the identified parking requirement by two visitor spaces.
8. Policy DM30 of the DMP states that the parking standards *may* be relaxed in residential locations near town centres and train stations. Whilst Great Wakering appears to be a village rather than a town, it still has a variety of services and facilities (including public transport services). These are within close proximity of the appeal site. It would therefore not be essential for future occupants to own a private car. However, it is reasonable to assume that they would still have a desire and an ability to own one. There is also no substantive evidence before me to suggest that car ownership levels are lower in areas close to the identified services and facilities than in areas which are not. Furthermore, a condition requiring that proposed flats with larger bedrooms remain as one-bedroom units would not be enforceable, with regards to the tests set out at paragraph 55 of the Framework. Under these circumstances, the parking requirement of seven spaces is reasonable.
9. As a result of the proposal's deficit in terms of parking spaces, some vehicles would have to utilise on-street parking spaces. Local residents have expressed concern that this would exacerbate existing on-street parking demands. However, the immediate area was not heavily parked at my visit. Rather, I observed numerous gaps available along St. John's Road and St. John's Close. It therefore appears that there would be existing on-street capacity to accommodate for the limited number of displaced vehicles associated with the proposal. In addition, the Highway Authority has not objected to this scheme

and the area is not within a controlled parking zone, which suggests that there is not an acute shortfall of parking spaces. This reinforces my assessment that there would be sufficient on-street parking spaces for the proposal.

10. I appreciate that the area is more heavily parked at the weekend. Nevertheless, taking the above factors into account, I am not persuaded that surrounding streets would not be capable of appropriately absorbing the limited additional parking demand created by this scheme. In addition, any unlawful parking on footways could be effectively managed through other mechanisms/legislation. Consequently, the scheme is unlikely to significantly inconvenience existing residents through an increase in competition for on-street spaces or prejudice pedestrian or vehicular safety.
11. My attention has been drawn to an appeal decision¹ in the District in which the Inspector found that the development would place unacceptable pressure on existing on-street parking areas. However, this was for a development of nine, generously sized, two-bedroomed flats. There would therefore have been an increase in the ownership of private vehicles at the site compared to this current appeal scheme. In addition, there was a larger shortfall in parking spaces compared to this current proposal and several surrounding streets were subject to parking controls. Accordingly, the circumstances for this previous appeal decision are not directly comparable to this proposal, which I have assessed on its own individual merits in any event.
12. For the reasons given, I conclude that the proposal's parking arrangement would not result in unacceptable impacts on highway safety or the living conditions of the occupants of surrounding properties. Conflict with the requirements of the Council's parking standards would therefore not result in any material planning harm.

Other Material Considerations

13. I note that a previous application² has been approved by the Council for two dwellings at the appeal site. It would appear that this scheme did not meet the Council's policy requirements in terms of parking provision or the standards within the SPD for external amenity space. However, it was granted in June 2016 and I have no substantive evidence to show that it was formally implemented. Accordingly, I cannot be certain that this approved scheme is extant and is capable of forming a material 'fall-back' position. I therefore give it only limited weight in my decision.
14. The appellant states that the site's former business/storage use could lawfully recommence. However, the evidence before me does not show that this would definitely be the case in the absence of permission for the appeal scheme. Neither does it show that previous uses have significantly disturbed surrounding residents or that this would be the case if commercial activity were to recommence. Consequently, this carries only limited weight in my decision.

Planning Balance

15. The Government is seeking to significantly boost the supply of housing and the Framework states that small and medium sites can make a valuable contribution to meeting the housing requirement of an area. The proposal

¹ APP/B1550/W/19/3234163

² 16/00338/FUL

would utilise previously developed land to provide five dwellings at the site. This would be a modest increase to the Council's housing stock. There would also be some modest economic benefits associated with their construction and occupation. I therefore give moderate weight to the scheme's social and economic benefits.

16. I have found that the proposal's parking arrangement would not result in unacceptable harm to the living conditions of the occupants of surrounding properties or in terms of highway safety. However, the absence of such harm is a neutral factor in the overall balance.
17. On the other hand, the scheme would not provide suitable living conditions for future occupants in terms of external amenity space. It would therefore fail to fulfil the Framework's social objective for sustainable development insofar as it seeks to provide homes that meet the needs of present and future generations. This matter attracts significant weight against the proposal.
18. The above factors lead me to conclude that the adverse impacts of the scheme would outweigh the benefits associated with the provision of five additional dwellings at the site. Consequently, the proposal would conflict with the development plan when read as a whole and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

19. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR