
Appeal Decision

Site visit made on 22 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/C1570/D/20/3256312

30 Blythwood Gardens, Stansted CM24 8HQ

- 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 Andrew Graham against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0961/HHF, dated 27 April 2020, was refused by notice dated 11 June 2020.
 - The development proposed is demolition of conservatory, rear and side extensions, erection of two storey side and part single part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory, rear and side extensions, erection of two storey side and part single part two storey rear extension at 30 Blythwood Gardens, Stansted CM24 8HQ in accordance with the terms of the application, Ref UTT/20/0961/HHF, dated 27 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Survey Drawing No 20/G/BG/01A; Proposals Drawing No 20/G/BG/02B and; Proposed Street & Rear Elevations Roof Plans Drawing No 20/G/BG/03
 - 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) Prior to completion of the development hereby permitted, the off street parking spaces, as indicated on the approved plans (Proposals Drawing No 20/G/BG/02B) shall be provided in accordance with the approved details, including the removal of the front boundary wall and shall thereafter be kept available at all times for those purposes.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal proposal follows the granting of planning permission¹ by the Council for essentially the same scheme in terms of extensions to the dwelling. However, the extant permission requires the removal of the existing front porch and 'garage extension'. This was considered necessary by the Council in order for the development to provide 3 parking spaces as required by Policy GEN8 of the Uttlesford Local Plan 2005 (ULP) and set out in the Uttlesford Local Residential Parking Standards 2013 (RPS) and the Essex County Council Parking Standards; Design and Good Practice 2009 (PS).
4. The appeal proposal seeks the same alterations as previously approved except it is proposed to retain the existing front porch and 'garage extension'. The appeal proposal would result in the provision of a fourth bedroom, thereby triggering the requirement for the provision of 3 parking spaces. The appeal proposal includes the provision of a third parking space alongside the existing parking area. The additional parking space would be achieved by removal of the front boundary wall and planting area. The Council does not dispute that the proposed new space would satisfy the size requirements of the adopted standards. However, the Council considers that the existing 2 parking spaces are not of appropriate dimensions as they do not adhere to the minimum requirements set by the local and regional standards and therefore cannot be counted as parking provision.
5. The PS sets out the 'preferred bay size' of 5.5 metres x 2.9 metres. The evidence indicates that the existing 2 spaces are 5.35 metres deep with a combined width of 3 metres, marginally short of the 'preferred' size. However, the standards also set out a minimum size of 5 metres x 2.5 metres that could be considered acceptable, in 'exceptional circumstances'. It therefore falls to be considered whether or not the 'preferred' standard should be rigidly applied in this instance. Policy GEN8 requires vehicle parking places to be 'appropriate for the location' and the supporting text to Policy GEN8 states that a 'realistic approach is needed'. This wording suggests a level of flexibility in the application of the policy is possible.
6. Vehicles parked at the appeal site would either have to be reversed into the spaces or be reversed out onto the highway. However, this is no different to the existing arrangement at the appeal site or that of many other properties along this street. I acknowledge that the road is quite narrow, however, despite the 2 existing parking spaces at the site falling marginally below the 'preferred' parking space size, they nevertheless, meet the 'minimum' size requirements of the PS. I have not been provided with any substantive evidence to suggest that this has resulted in any highway safety issues. Indeed, the Highway Authority advised that because the line of the property would remain the same and the proposal would be similar to other extensions in the street and the existing parking area in front of the dwelling would remain, it would be unreasonable for it to raise objection.
7. I concur with this assessment and consider that Policy GEN8 and the PS incorporate a level of flexibility that should be exercised in this case. It is accepted by the Council that the loss of the garage does not result in a loss of a parking space as its internal dimensions fall well below those required. Therefore, the existing 2 spaces appear to have adequately served the property

¹ Ref: UTT/20/0478/HHF

for its lifetime so far, without any substantive evidence of resulting highway safety issues. I consider this to amount to 'exceptional circumstances' in this case. Taking all matters into account, in particular the provision of an additional parking space which would meet the 'preferred' size required by Policy GEN8, I consider that the proposal would provide adequate on-site parking and would not result in adverse impact on highway safety.

8. I therefore conclude that the proposed development would not be in conflict with ULP Policy GEN8 which seeks to ensure adequate and safe provision for parking. The proposal would also not conflict with the requirements of the RPS and the PS.

Conditions

9. The Council has suggested conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
10. 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. In order to protect the character and appearance of the host property and the area, I have imposed a condition requiring matching external materials. It is also necessary, in the interest of highway safety, to ensure appropriate on-site parking arrangements are provided in a timely fashion.

Conclusion

11. For the reasons given above the appeal is allowed.

S Tudhope

Inspector