



Appeal Decision

Site visit made on 6 April

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 April 2021

Appeal Ref: APP/C1435/W/20/3264797

32 Lincoln Way, Crowborough TN6 3AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Dan Pickford against the decision of Wealden District Council.
 - The application Ref WD/2020/1397/F, dated 14 July 2020, was approved on 21 September 2020 and planning permission was granted subject to conditions.
 - The development permitted is the replacement of garage door and replacement of rear external door with double leaf external door.
 - The condition in dispute is No 3 which states that: *The garage/parking areas shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling unit to which it serves, and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority.*
 - The reason given for the condition is: *To protect the visual and residential amenities of the site and ensure the retention of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 104 and 110 of the National Planning Policy Framework 2019.*
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Decision

1. The appeal is allowed and the planning permission Ref WD/2020/1397/F for replacement of garage door and replacement of rear external door with double leaf external door at 32 Lincoln Way, Crowborough TN6 3AQ granted on 21 September 2020 by Wealden District Council, is varied by deleting condition 3 and substituting 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 plan: PL01B; PL02 and PL03.
 - 3) The external materials, including windows, to be used in the construction of the external surfaces of the development hereby permitted shall be as detailed within the permitted application particulars.

Procedural Matter

2. I am also considering a linked appeal relating to the refusal for the conversion of the integral garage to form a habitable space submitted under application reference no WD/2020/0666/F¹. Although I have considered the individual merits of each appeal, the issues are similar in each case, and therefore the reasoning. However, I have dealt with each appeal in separate decision notices for clarity purposes given that procedurally they are different and would therefore appear somewhat confusing under one decision letter.

Main Issue

3. The main issue is whether deleting condition 3 would result in an increase in on street parking, restricting the free flow of traffic and causing obstruction to emergency vehicles.

Reasons

4. The appeal property is a two storey linked residential property at the northern end of Lincoln Way which terminates in a cul-de-sac in close proximity to the site. It was built with an integral garage and one parking space on the forecourt as part of a development of 14 dwellings constructed in 2009². There is a pair of garage doors to the front of the garage (although not with windows as shown on the proposed plan for this proposal) but internally at the time of my site visit, the space had already been partially converted to a utility area with extended living room space to the rear. The road serving this northern part of Lincoln Way is not adopted, somewhat narrow in width and there is signage displayed in several areas advising that there should be no parking on the roadways/yellow lines/paved/hatched or landscaped areas.
5. The Council advises that when permission was granted, two on-site parking spaces were approved as part of the development which included the garage and the forecourt parking area. This was in accordance with parking standards and a condition of the permission required that the spaces were thereafter retained for such purpose in order to avoid an undesirable increase in on-street parking. That was also the reason for the imposition of condition 3 relating to the current appeal and the Council is concerned that if allowed, it would leave only one on-site space for a dwelling of three bedrooms and that there are no alternative convenient on-street parking facilities available.
6. I can fully understand the Council's desire to avoid an increase in on-street parking in the area, which might also cause obstruction for emergency vehicles if cars were poorly parked. However, the width of the garage seems unusually narrow, particularly as it relates to a fairly recent development, with the appellant advising that the opening of the garage itself is only 2.02m with an internal width of 2.55m. I note that the Council has not disputed those dimensions. The photographic evidence submitted by the appellant shows that it would be impossible for his own car to gain access to the garage. Whilst it might be slightly larger than a smaller family car, in my view even such a smaller vehicle would have considerable difficulties in both entering the garage, where in all probability wing mirrors would have to be adjusted, as well as exiting or entering a vehicle once inside. In that respect, I noted a number of smaller vehicles parked elsewhere on forecourts outside of garages of the same

¹ Appeal reference APP/C1345/D/20/3257982

² Application ref no WD/2005/0925/F

dimensions as the appeal property. Looking at the width of those vehicles relative to the width of the garage opening only served to reinforce my view. However laudable the condition therefore, in practice I consider the restricted width of garages in the immediate locality, probably make them impractical for most residents to use on a daily basis. In the case of the appeal site, the reality therefore is that there is reduced on-site parking for the site already and that would not change with the proposed conversion.

7. As to a potential increase in on-street parking, I can also understand the Council's concerns in that respect. However, as indicated above, this section of road is not adopted and is policed by a private company. Contravention of local restrictions carries a parking charge of £100 according to the signage. In practical terms this is obviously proving an effective deterrent in that at the time of my site visit, there were no vehicles parked in the roadway of this section of Lincoln Way apart from the 5 designated visitor parking spaces designed for in the layout. In reality therefore, those residents who are not able to park within their garages, either because of the very difficult manoeuvring required, or because their vehicles are larger than the garages would provide for, will no doubt accept that they are only able to have one vehicle at their property. In that respect, I note that Crowborough railway station is only 1 mile away, a bus stop is 0.4 miles away and the centre of Crowborough itself is only 1.2 miles away. The site is therefore reasonably sustainable in terms of providing alternative transport options other than reliance solely on the private car.
8. For the above reasons, I do not consider that the Council's fears, in terms of an increase in on-street parking, will be realised and therefore there is unlikely to be any restriction to the free and safe flow of traffic or obstruction to emergency vehicles in this part of Lincoln Way as a result. In reaching that finding I would stress that it might only apply to this section of Lincoln Way which is controlled by strict parking restrictions. The situation may be different elsewhere or where there are no on-street parking controls. Pursuant to the above, there is no conflict with Saved Policies EN27 or TR3 of the Wealden Local Plan 1998 or Policy SPO13 of the Wealden Core Strategy Local Plan 2013, in that an attractive living environment would be maintained and the proposal would not create unacceptable traffic conditions. Although there would be some conflict with Saved Policy TR16 in that parking standards would not be fully complied with, there are material considerations in this case, as set out above, which means that strict compliance with those standards is impractical.
9. The Council previously raised no objections to the alternations to the external appearance and I see no reason to come to a different view.
10. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity.
11. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR