
Appeal Decision

Site visit made on 23 September 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021.

Appeal Ref: APP/M1595/D/21/3275390
78 Scott Road, Chadwell St Mary RM16 4EJ

- 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 Robertas Petravicius against the decision of Thurrock Borough Council.
 - The application Ref 21/00123/FUL, dated 22 January 2021, was refused by notice dated 30 April 2021.
 - The development proposed is to build 2-room annexe in the back of the garden.
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Decision

1. The appeal is allowed and planning permission is granted to build 2-room annexe in the back of the garden at 78 Scott Road, Chadwell St Mary RM16 4EJ in accordance with the terms of the application Ref 21/00123/FUL, dated 22 January 2021, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The Government has recently published a revised National Planning Policy Framework (the Framework). I have assessed the appeal in light of this document, having given the main parties an opportunity to submit comments on its content beforehand.
3. The appellant has referred to correspondence from the Council dated 18 May 2021 and a construction drawing of a vehicle crossover that relates to the site (Ref VX0362). As this information followed the decision to refuse planning permission, the Council was invited to submit any comments in relation to it although none were received.
4. While the appellant has described the proposal as a 2-room annexe, the plans show that it includes 2-bedrooms, a bathroom and a kitchen/sitting room. I have assessed the appeal scheme on that basis.

Main issue

5. The main issue is the effect of the proposed development on highway safety for the users of Scott Road with particular regard to on-street vehicle parking.

Reasons

6. The appeal dwelling is a 2-storey end terrace house that addresses Scott Road, which is a residential street that I saw is well used for vehicle parking. The proposal is to erect a single storey detached outbuilding for use as an annexe in the rearmost part of the back garden of No 78. The plans show that the

appeal dwelling has no off-street vehicle parking or a formal vehicle access and that none would be provided. The appellant confirmed that position ahead of the Council's decision and the application was determined on that basis.

7. At the site visit, I saw that a vehicle crossover was in place along part of the site's highway frontage to provide access from the road to a hard surface area in front of the dwelling for use as vehicle parking. I observed that two family sized cars were parked on this forecourt area that were clear of the adjacent footway with sufficient space on either side to open the vehicle doors.
8. On the face of it, this arrangement would meet the Council's requirement to provide at least 2 off-street spaces, to which its Highways Development Control Section refers in its consultation response to the application. It also appears to address the Council's concern that the proposal would not provide any formal off-street parking within the site or a suitable vehicle access, which is stated in the reason for refusal.
9. However, the Council's subsequent letter, dated 18 May 2021, in which a Highways Officer gives approval in principle to the vehicle crossover, clearly stipulates that the off-street parking is for one vehicle. It also states that the vehicle crossover should be a minimum width in line with the deep point of the driveway and not in front of or extending to the point of the old porch. On that basis, the proposal would fall short of the Council's off-street parking requirement by one space. The shortfall would be 2-spaces without the dropped kerb and forecourt parking that is currently in place.
10. The Council raises particular concern that the proposal would therefore increase the demand for on-street parking that in turn would add to congestion and detract from pedestrian and highway safety. However, there is no detailed evidence before me to support the Council's assertions.
11. During the mid-morning site visit, I saw that several vehicles were parked along Scott Road and on the adjacent footway. Even so, there was further space for kerb side parking and no obvious sign that on-street parking hinders the flow of traffic along this highway. In the absence of any convincing evidence to the contrary, I am unable to conclude that Scott Road is or would become congested with parked cars if demand for on-street parking were to increase by up to 2 spaces. Equally, I am not persuaded that these conditions occur at other times of the day or during the week when residents are more likely to be at home or would materialise if the proposal were to come forward.
12. If no space were available on site, occupiers of and visitors to No 78 may decide to park inconsiderately, illegally or obstructively on the main carriageway or footway and thereby cause a safety hazard to other road users. While that is a possibility, I saw no instances of such behaviour during my site visit even though there were vehicles parked on the footway nor have any examples of such problems been drawn to my attention.
13. Taking all of these points into account, I conclude on the main issue that the proposed development, despite the shortfall in off road parking by up to 2 spaces, would not have an adverse effect on highway safety. As such, it does not conflict with Policies PMD2, PMD8 and PMD9 of the Council's Core Strategy and Policies for Management of Development (as amended). Together, these policies require that development proposals do not prejudice road safety and allow easy and safe access for all, with pedestrians and cyclists given priority in

scheme design. For the same reasons, there would be no conflict with the National Planning Policy Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

14. The Council raises no other objection to the proposal. From the information provided, I have no reason to reach a different view.

Conditions

15. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.
16. A condition is also necessary to restrict the use of the annex to ensure that the development remains ancillary to the main dwelling. The conditions reflect those suggested by the Council with minor changes, where necessary, for clarity and precision.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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 the following approved plans entitled: Location Plan (Plan 4), Existing Site Plan (Plan 5), Block Plan with Proposed Annexe (Plan 6.1), Proposed Plans for Elevations (Sheet 2.1) and Proposed Plans for Annexe (Sheet 1.1).
- 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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 78 Scott Road, Chadwell St Mary RM16 4EJ.