



Appeal Decision

Site visit made on 9 November 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/P1940/D/21/3279628

6 Rosemarie Close, Leavesden WD25 7NP

- 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 S Mistry against the decision of Three Rivers District Council.
 - The application Ref 21/1121/FUL, dated 28 April 2021, was refused by notice dated 6 July 2021.
 - The development proposed is conversion of garage into habitable room and extension of driveway.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into habitable room and extension of driveway at 6 Rosemarie Close, Leavesden WD25 7NP in accordance with the terms of the application, Ref 21/1121/FUL, dated 28 April 2021, and the plans submitted with it, subject to the following conditions
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall take place until details of the effect of the development hereby permitted on existing car parking levels have been submitted to and approved in writing by the local planning authority.
 - 3) The materials to be used in the construction of the development hereby permitted shall match those in the existing building.
 - 4) The materials used for the hardstanding shall match those of the existing permeable hardstanding.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - On street parking provision and the effective operation of the public highway; and
 - the character and appearance of the local area with reference to loss of planting.

Reasons

3. The appeal dwelling is a two storey semi-detached 4 bedroom house, incorporating an integral garage with parking for 1 car. It is set back from the highway behind an area of hard standing that appears to provide off street parking for 2 cars, and a small area of planting with a small tree.
4. It is located towards the end of the close and forms part of a cul-de-sac development made up of both terraced and semi-detached properties set out in a symmetrical design and arrangement on either side of the close.
5. Although Three Rivers District Council (the Council) have indicated that there is timber fencing between the houses on Rosemarie close, from my site visit it is apparent that there is no fencing, or other vertical boundary treatment, at the front of the houses.
6. The proposal to convert the garage into a habitable room would result in the loss of one of the three off street parking spaces currently available on the appeal site. It is intended that the loss of parking that would result from the garage conversion would be offset by creating further hardstanding. This would involve the loss of most of the planting to the front of the appeal property, with the exception of a very small tree, which would be slightly relocated. The proposal does not appear to involve any change to the on-street planting that wraps around the property into the turning head of the cul-de-sac.

Parking Provision

7. Whilst the existing garage is not large, it appears to be capable of providing space for parking a small family car as intended. This allows, along with the 2 existing car parking spaces on the hardstanding, for parking on the appeal site for 3 cars, as required by Policy DM13 and Appendix 5 of the Development management Policies Local Development Document (2013) for 4 bedroom houses in the Council Area.
8. From my site visit it was apparent that there is no on street parking provision in Rosemarie Close, due to the extensive dropped kerb access to fronting properties, and that there is only very limited provision in the wider local residential area, where parking is generally provided off street. It was further evident, from vehicles parking and blocking footways, that, where it is available, there is considerable pressure on existing on-street parking.
9. The appellant has not provided supporting material to demonstrate that the proposal would provide parking for 3 cars on the appeal site in a suitable layout. Likewise, the Council have not provided material as part of their submission that demonstrates that parking of 3 cars on the appeal site would not be possible within any adopted parking standards. However, from my site visit, it would appear that the proposed additional hardstanding when added to the existing area of hardstanding, would allow for the parking of 3 cars.
10. The appellant has suggested that a pre-commencement condition be attached to any planning permission that would require that it can be shown that the proposal would not result in a detrimental impact on existing car parking levels. Attaching such a condition would be in line with paragraphs 55 and 56

of the National Planning Policy Framework, which sets out that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Under the circumstances I find that this is a reasonable response to this issue.

Character and appearance

11. Whilst the loss of the planting area would result in some harm to the streetscene and, thereby, the character and appearance of the local area, the small scale of the planting means that this harm would be only very slight. When set against the improved appearance of the appeal property that would result from the installation of a window opening in the front elevation of the house, in place of a blank garage door, I find that this slight harm would be more than offset by this benefit. Therefore, on balance, the proposal would not result in the appeal property having an incongruous appearance, but would rather continue to reflect the local streetscene and would not be harmful to the character and appearance of the local area.
12. The Council have stated that this particular housing development does not benefit from permitted development rights in relation to hard surfacing or garage conversions. The Council does not state, however, how this has been restricted and I have not been made aware of an Article 4¹ direction being in place that would restrict such changes. However, notwithstanding that there may be a restriction to permitted development in place, the proposal before me is by way of an application for planning permission.
13. Whilst the appellant has indicated that there have been other approvals for changing areas of planting to hardstanding on Rosemarie Close, I have not been provided with any details. However, from my site visit, it would appear that areas of planting at the front of some properties in the cul-de-sac have been made over to hard standing. This includes areas of planting that have been replaced by areas of artificial grass, which appear to provide additional space for parking vehicles. It is noted on my site visit that an identical change to that proposed has been made to the planting and hardstanding on the property opposite, which is a mirrored version of the appeal property. Notwithstanding, I have considered the proposal on its own individual merits.
14. For the reasons given above, I find that the proposal would be in accordance with Policies CP1, CP10 and CP12 of the Three Rivers Core Strategy (2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Three Rivers Development Management Policies Local Development Document (2013) which collectively seek to ensure that development is sustainable, of quality design that respects local distinctiveness, and contributes to identified transport and travel measures, including parking provision.

Conditions

15. Along with the standard conditions I have, for the reasons given above, included a pre-commencement condition, with the agreement of the appellant, that requires it to be shown that there would be no detrimental

¹ Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015

impact on existing car parking levels. In the interests of design quality and the restriction of water run-off, I have also included conditions requiring that materials used match those in the existing building and hardstanding.

Conclusion

16. For the reasons given, the appeal is allowed.

Victor Callister

INSPECTOR