



Appeal Decision

Site visit made on 5 January 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2022

Appeal Ref: APP/J1915/D/21/3286048

Rose Cottage, Ducketts Lane, Green Tye, Much Hadham, SG10 6JL

- 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 P Spyer against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/218/HH, dated 9 August 2021, was refused by notice dated 5 October 2021.
 - The development proposed is single storey rear extension with roof lantern and conversion of garage, replacement of garage door with window and repositioning of the first floor rear window.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with roof lantern and conversion of garage, replacement of garage door with window and repositioning of the first floor rear window at Rose Cottage, Ducketts Lane, Green Tye, Much Hadham, SG10 6JL, in accordance with the terms of the application, Ref 3/21/218/HH, dated 9 August 2021, 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 materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 3) The development shall be carried out in accordance with the approved plans Nos. IL2454-01 A (Location and Site Plan), IL2454-02 D (Floor/Elevation - Existing), and IL2454-03 D (Floor/Elevation - Proposed).

Main Issue

2. There is a single issue in this case: the adequacy of car parking arrangements if the garage should be converted to living accommodation.

Reasons

3. As existing, Rose Cottage has 4 bedrooms. The Council's Parking Standards require a four bedroom dwelling to have provision for 3 off street parking spaces. The existing garage was granted planning permission in 1990 under reference 3/90/1366. This permission carried a condition requiring that the garage be used solely for the housing of private vehicles and not for living

accommodation. However, the internal dimensions of the garage are approximately 2.425m wide x 3.64m deep. The council's Vehicle Parking Standards provide guidance, including dimensions of car parking spaces. These specify that the minimum internal dimensions of garages should be either 2.6m wide x 5.6m deep or 3.2m wide x 5.0m deep. It is therefore acknowledged that the current garage is below these requirements and it could not accommodate most modern cars.

4. Without the garage, the maximum provision that can be made for car parking within the curtilage of Rose Cottage is for 2 cars. This is because of the limited area in front of the dwelling and the fact that it fills most of the width of the plot. However, the parking of 2 cars across the frontage, as shown on the plans, would require a 'tandem' arrangement. This, coupled with the narrow right of way across common land, means that it would involve difficult manoeuvring, and one car would be 'trapped' by the second car. I therefore doubt that this arrangement would be used regularly. However, if the existing garage were to be used for parking a small car, the maximum number of cars that could be accommodated within the curtilage would still be 2, allowing for the garaged car to enter and leave.
5. The appeal proposal does not provide any additional bedspaces, so that the cottage would remain as having 4 bedrooms. The additional accommodation that the proposal provides does not make it likely that the number of potential occupants would increase. Therefore the position is the same, whether the existing garage remains or is converted into living accommodation as proposed: the maximum number of cars that can be parked within the curtilage is 2 in both cases. This leads me to conclude that there is no justification for the refusal reason.
6. I note that it is said that the occupants of Rose Cottage currently park on the drive within the common land. This keeps parked cars well clear of the public highway. I also note that it is suggested that there is a restrictive covenant that prevents parking on the common land. Be that as it may, and it would be a civil rather than planning matter, it has no effect on the question of whether the loss of the garage makes a material difference.
7. I have taken account of all other matters raised, but for the reasons given above I will allow the appeal. The council has indicated that the only conditions that should be imposed on any planning permission, apart from the standard time limit for commencement, are that the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, and that the development shall be carried out in accordance with the approved plans. I consider that these conditions are necessary to ensure a satisfactory appearance and to provide clarity and certainty over the precise nature of the development permitted.

Terrence Kemmann-Lane

INSPECTOR