
Appeal Decision

Site visit made on 21 July 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/M1520/D/22/3292369

25B Sydervelt Road, Canvey Island, Essex, SS8 9EF

- 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 Lee Shillibeer against the decision of Castle Point Borough Council.
 - The application Ref. 21/1109/FUL, dated 28 November 2021, was refused by notice dated 3 February 2022.
 - The development proposed is single storey side extension and garage conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was determined, the Council has withdrawn its Local Plan 2018-2033. However, as no policies from that document were cited in the reason for refusal this has not affected my assessment of the appeal proposal.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as neither of the main parties has provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issues

4. The main issues are the effect of the proposal on (1) the living conditions of future occupants of the dwelling, with particular regard to amenity space; and (2) parking provision, with reference to highway safety and the convenience of other residents and road users, and the character and appearance of the site.

Reasons

Living Conditions

5. The appeal property is a one-bedroom dwelling with an attached single garage. It has a reasonably modest rear garden appropriate to the size of the dwelling, and of similar size to some others in the vicinity.
6. Paragraph 130 f) of the National Planning Policy Framework (the Framework) seeks to ensure that developments create places that provide a high standard

of amenity for existing and future users. Although it predates the Framework, this aim is reflected in guidance point RDG6 of the Castle Point Borough Council Residential Design Guidance (RDG), which amongst other criteria requires dwellings to be served by at least 15m² of amenity space per habitable room, with a minimum of 50m². The RDG confirms that less amenity space may be appropriate where there is access to high quality public open space nearby.

7. The existing dwelling would be served by a rear garden that would meet the RDG minimum standard. However, the proposed extension and conversion of the garage would result in an increase to three bedrooms and an open plan kitchen and living room. Based on the RDG standard, this would appear to require 60m² of amenity space to meet the needs of occupants of the dwelling, although I note the Council's assessment that the requirement would be 75m².
8. Under either scenario, the dwelling would increase from a one-bedroom unit to one capable of providing space for a family. In this context, the RDG advises that it is important that family dwellings include enough space to accommodate a safe outdoor area for children to play in, plus sitting out area, and the potential for sheds and greenhouses¹.
9. The Framework does not define the amount of space necessary to meet the amenity space needs of a family-sized dwelling. However, the proposal would result in some loss of garden space, and I do not consider that the remaining garden would meet all the potential needs arising from increased occupancy of the property. The potential shortfall in space compared to the RDG standard would be quite significant in its impact given the modest size of the existing garden. It is not evident that there is nearby public open space which would compensate for this shortfall.
10. I therefore conclude that the proposed amenity space would be insufficient to meet the potential needs of occupants of the extended dwelling, to an extent that their living conditions would be harmed. This would conflict with the aims of paragraph 130 of the Framework and RDG6.

Parking Provision

11. Policy T8 of the Castle Point Borough Council Local Plan 1998 (LP) requires compliance with the published parking standards of Essex County Council. The Council advises that a parking bay standard is currently 5.5m x 2.9m in size. Measured on site, the existing garage is substandard in size, and therefore there is currently only space for one vehicle on the driveway. This accords with the parking standard for a one-bedroom dwelling.
12. The Council advises that a dwelling with two or more bedrooms would require a minimum of two off-street parking spaces. The proposed extension to the front of the garage would reduce the existing driveway to below the necessary depth of a parking space. Whilst one parallel space may be achievable, it has not been demonstrated in this submission that two parking spaces of a size to meet the standards could be provided on site. To attempt to park vehicles on site in a substandard arrangement could impede access to the dwelling, but more significantly, overhanging vehicles could obstruct the footway to the detriment of safety for pedestrians. In addition, this could result in increased

¹ RDG paragraphs 5.8.8 and 5.8.11

on-street parking, with the potential to affect the convenience of local residents and other road users.

13. I appreciate that other properties in the vicinity have converted garages to habitable accommodation, and that parallel and/or substandard parking spaces also exist. However, no details of those developments have been supplied, and therefore I cannot assess their similarity with the appeal proposal; I do not know if the works required and obtained express planning permission, and if so, the policies and standards against which they were assessed.
14. I note the Council's concern that use of the front garden for vehicle parking would dominate the dwelling to the detriment of its character and appearance. The proposal would result in the loss of some front garden planting, but parked vehicles are a feature of the road, and I do not consider that the visual impact of car parking on site would be unduly dominant or detract from the appearance of the site. In this regard, I find no conflict with the design aims of LP Policy EC2 and RDG12.
15. However, this does not alter my conclusion that the proposal would result in an increased requirement for on-site car parking which cannot be met, to the potential detriment of the safety of pedestrians, and the convenience of local residents other road users. This would be contrary to LP Policy T8 and relevant aspects of RDG12, which amongst other criteria requires safe and convenient access to all forms of development, and the size and layout of parking to reflect current adopted vehicle parking standards. It would also conflict with the aims of paragraphs 111 and 112 of the Framework, which seek to avoid development that would have an unacceptable impact on highway safety, and to create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

16. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR