
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: 17 August 2022.

Appeal Ref: APP/M1520/D/22/3297210
1B Beach Road, Canvey Island, SS8 7SW

- 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 L Bright against the decision of Castle Point Borough Council.
 - The application Ref. 22/0044/FUL, dated 18 January 2022, was refused by notice dated 7 April 2022.
 - The development proposed is garage conversion & to form separate dining room.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion & to form separate dining room at 1B Beach Road, Canvey Island, SS8 7SW, in accordance with the terms of the application, Ref. 22/0044/FUL, dated 18 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Subject to the requirements of condition 5 of this permission, in all other respects the development hereby permitted shall be carried out in accordance with the following approved plans: 2406-LP01; 2406 – BP01; 2406 – 01A; 2406 – 02 C1; and 2406 – 03C.
 - 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) Finished ground floor levels within the conversion shall be set no lower than finished ground floor levels within the main dwelling.
 - 5) At no time shall the area identified as 'Parking 2' on drawing nos. 2406-01A and 2406-BP01 be used for the parking of vehicles.

Procedural Matters

2. Since the application was determined, the Council has withdrawn its Local Plan 2018-2033. The reasons for refusal included reference to Policies TP8 and DS1 of the emerging Local Plan, but these are no longer applicable. I have therefore determined this appeal on the basis of the adopted policies and guidance cited on the decision notice.

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, and in a separate submission the appellant has stated that the description was changed by the local planning authority without agreement. I have therefore used the description given in the original application.
4. During the consideration of this appeal the parties were invited to comment on suggested planning condition No.5, and the responses have been taken into account.

Main Issues

5. The main issues are (1) whether the proposal includes parking provision commensurate with the amount of habitable accommodation proposed; and (2) the effect of the proposal on the character and appearance of the appeal property and the wider area.

Reasons

Parking Provision

6. The appeal property is a one-bedroom single-storey dwelling located in Beach Road. The narrow carriageway means that there are parking restrictions along both sides of the road, and as a result the front gardens of many properties have been surfaced for vehicle parking.
7. Policy T8 of the Castle Point Borough Council Local Plan 1998 (LP) advises that the Council will apply the parking standards of Essex County Council, which are currently a minimum of 1 parking space for properties with 1 bedroom and a minimum of 2 spaces for properties with 2 or more bedrooms. The preferred bay size is 5.5m x 2.9m. Garages with internal dimensions below 7m x 3m are not considered to be a parking space and do not count towards the parking space allocation¹. The existing garage is significantly below this size. As such, the property benefits from one parking space on the front driveway.
8. As applied for, the proposal is to convert the garage to a dining room, and the appeal submission confirms the intention for the property to remain as one-bedroomed. I have determined the proposal as applied for, and as the existing garage is substandard in size I consider that its conversion would have a neutral impact on the parking provision and requirement at the property. The retention of one space on the driveway would accord with the Council's parking standards and LP Policy T8.
9. I can appreciate the Council's concern that the dwelling would gain a habitable room, and that should the existing or future occupiers wish to use both rooms as bedrooms this would be possible without any alterations to the dwelling. However, the second room could equally be used as a study, or room uses could be switched. A planning condition limiting the way in which individual rooms are used could not be imposed, as it would not meet the tests of reasonableness or enforceability.
10. Whilst I am mindful of this potential, the dwelling would remain small. With only one on-site parking space and no nearby option for on-street parking, I consider the likelihood to be slim of the proposal giving rise to a need for

¹ Paragraphs 3.4.15 and 3.4.16 of the Essex 'Parking Standards Design and Good Practice' 2009

additional parking, either by the current householder or any future one. Obstructive parking on the highway and verge could be remedied under other legislation. I therefore share the appellant's view that there is no technical or practical requirement to provide an additional parking space.

11. Nevertheless, a parallel parking space is proposed in front of the dwelling and forms part of this submission. There is no front boundary enclosure between the front garden and the adjacent grass verge, but parking within the proposed second space would be restricted by the siting of a gas pressure regulator, a projecting bay window and steps to the front door. In combination these would appear to reduce the space to below that of a standard parking space.
12. As this substandard space is not required to meet the Council's parking standards, its omission can be addressed by an appropriately worded planning condition, in order to avoid its creation and use. The harm to safety would be limited due to the siting next to a verge rather than footway, but it would give rise to other adverse impacts, as addressed below. Given the narrowness of the road, parking restrictions and verge bollards, I agree on-street parking could cause inconvenience to others, but as noted above, obstruction may be addressed through non-planning powers.
13. I therefore conclude that the proposal would include suitable parking provision commensurate with the amount of habitable accommodation provided, in accordance with LP Policy T8 and the parking standards.

Character and Appearance

14. In view of the parking restrictions along Beach Road the majority of dwellings have surfaced front gardens for vehicle parking, although some retain a mix of hard surfacing and planting. In this context, the presence of cars on frontages is a feature of the street scene, but in this case the limited space available would mean that the site would appear dominated by cars if a second on-site parking space were created. It would appear that other properties in the vicinity have done much the same, but no details have been supplied to indicate whether or not express planning permission was required and obtained. As such, these offer limited support to the proposal. Moreover, the appeal site appears to be more modest in size than others in the vicinity. With less front garden available, the effect of the parking would be more visually intrusive in the street scene.
15. I therefore conclude that the proposed creation of a second parking space would detract from the character and appearance of the appeal property and the wider area, in conflict with the aims of LP Policy EC2, which seeks high standards of design, and the enhancement of the appearance and treatment of spaces around buildings by appropriate hard and soft landscaping; and with RDG12 of the Council's Residential Design Guide Supplementary Planning Document, which requires all parking provision to be sited so as not to have an adverse impact on visual amenity, and to not dominate the public realm. These are consistent with paragraph 130 of the National Planning Policy Framework, which amongst other criteria seeks visually attractive development that will function well and add to the overall quality of the area.
16. However, the appellant has agreed to a condition to prevent parking on the area of the second space. This would address the potential visual harm that I have identified.

Other Matters

17. The Council is concerned that the proposal would set an undesirable precedent within the street and the whole of Canvey Island, as it advises that there are a large number of similar style one-bedroom properties with attached garages across the island. However, I do not consider that this site-specific proposal would prevent the Council assessing each case on its own merits and resisting proposals that are found to result in demonstrable harm.

Conditions

18. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area.
19. In view of the location of the site in an area liable to flood, I have attached the Council's suggested condition regarding finished floor levels within the converted garage.
20. With the appellant's agreement, I have attached a condition to prevent parking on the extended forecourt, due to the substandard size of the area and its adverse visual impact on the appeal site and the street scene. I agree with the Council that it would be practically impossible to monitor the use of the dining room as a bedroom, but I do not agree that the suggested condition could not be enforced: it would be evident were a vehicle to be parked on the front garden. The Council's reference to budgetary constraints and staffing shortages would apply to the enforcement of any planning condition, and would not override the need to attach a necessary condition that would meet the tests.
21. The Council has requested a condition removing Permitted Development rights under Classes A to E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, no detailed justification has been put forward for such extensive restrictions, and I do not consider that such a condition would meet the tests of necessity, relevance to the development being permitted and reasonableness.

Conclusion

22. For the above reasons, I conclude that the appeal should be allowed.

H Lock

INSPECTOR