
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/22/3295288

3A Beverley Avenue, Canvey Island, SS8 0DN

- 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 Mark Dovey and Mrs Caroline Dovey against the decision of Castle Point Borough Council.
 - The application Ref. 22/0003/FUL, dated 29 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is conversion of garage into habitable space together with external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into habitable space together with external alterations at 3A Beverley Avenue, Canvey Island, SS8 0DN, in accordance with the terms of the application, Ref. 22/0003/FUL, dated 29 December 2021, and subject to the following 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: K1201-PL-001/REV A; K1201-PL-003/REV B; K1201-PL-005/REV B; and K1201-PL-007/REV B.
 - 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 finished floor level of the converted garage shall be set no lower than the finished ground floor level of the existing dwelling house.

Procedural Matter

2. Since the appeal was determined the Council has withdrawn its Local Plan 2018-2033. However, as no emerging policies of that document were cited in the reason for refusal this has not affected my assessment of the proposal.

Main Issues

3. The main issues are (1) the effect of the proposed parking arrangements on the character and appearance of the appeal property and the street scene; (2) highway safety, with particular regard to the effect on pedestrians on the adjacent footway; and (3) whether the dwelling would be served by sufficient amenity space to meet the current and future needs of its occupants.

Reasons

Parking - Character and Appearance

4. The appeal property is a three-bedroom house with a garage currently used for domestic storage. The whole of the frontage is paved and at the time of the appeal site visit there was a car parked parallel to the road, directly in front of the main house.
5. The Council has confirmed that its parking standards require a dwelling with 2 or more bedrooms to have two on-site parking spaces. To constitute a parking space, a garage should have minimum internal dimensions of 7.0m x 3.0m, with the standards noting that a garage below this size could not be considered a parking space or count towards the parking allocation. The standards specify a preferred parking bay size as 5.5m x 2.9m.
6. The size of the garage does not meet current standards and does not therefore count as a parking space. The on-street parking space in front of the garage and the area in front of the dwelling are below the preferred size for a parking space, but are evidently in use for parking. Regardless of the outcome of this appeal, as the existing garage is substandard it would not displace parking onto the frontage: this arrangement exists and would continue. RDG12 of the Castle Point Borough Council Residential Design Guidance (RDG) advises that parking must not dominate the public realm, and should be sited so as not to have an adverse impact on visual or residential amenity. However, the frontage of the appeal property is already dominated by hard surfacing and vehicle parking, and the conversion of the garage would have a neutral impact in this regard.
7. As such, I conclude that the proposal would not materially affect the character and appearance of the appeal site and the street scene, and in so doing would not conflict with the design aims of paragraph 130 of the National Planning Policy Framework (the Framework), Policy EC2 of the Castle Point Borough Local Plan 1998 (LP), and RDG12.

Parking - Highway Safety

8. The existing and proposed block plans both show one parking space in front of the garage, but the Council has taken into account the space for parallel parking in front of the dwelling. At the appeal site visit a car was parked on this area, clear of the footway.
9. Parking a car between the front of the house and the footway would require some precision, and could potentially result in doors being opened into the adjacent path. This could pose a safety risk for pedestrians, particularly for people with more restricted vision or mobility. However, the proposal would not increase parking demand at the property, and the existing arrangements will not alter as a result of the garage conversion. Any substandard parking would not be a direct result of the proposal, and the risks to pedestrian safety would be the same regardless of the outcome of this appeal. Furthermore, there are remedies under other legislation if a vehicle were to obstruct the pavement.
10. With regard to access to the house, existing porch columns provide a defensible area around the front door, although with two vehicles parked the route would be restricted. Nevertheless, I reiterate that this is an existing arrangement that would not be altered by this proposal.

11. I note the Council's view that a future occupier may have a small car which could be parked in the garage, and that its conversion removes all possibility of it being used for parking again. However, the Council's standards state that garages below the specified size are too small to constitute a parking space. Moreover, even if a car could enter the garage I am not convinced that there would be sufficient space for a driver and passengers to manoeuvre in and out of it. The potential for it to be used for parking would be both limited and contrary to the Council's parking standards.
12. I therefore conclude that the proposal would not alter the existing parking arrangements at the appeal site and as such would have no material impact on the safety and convenience of pedestrians on the adjacent footway, or within the site. As such, the proposal would not conflict with the aims of LP Policy EC2, which amongst other criteria seeks to ensure that all modes of movement are made safe and convenient.

Amenity Space

13. The existing dwelling has a modest rear garden that accommodates a conservatory, shed, seating and play areas. Guidance point RDG6 advises that all dwellings should be provided with at least 15m² of amenity space per habitable room. Based on this standard, the provision for the dwelling would increase from 75m² to 90m².
14. As guidance rather than policy, there is some scope for flexible application of this standard. There is no means of controlling the use of the proposed home office, but given the layout of the dwelling I do not consider that the conversion will increase occupancy of the property, or place additional demands on the use of the garden. Retaining a garage that is too small for parking as a storage space does not make most effective use of the space, and the proposal would be more beneficial within the context of paragraph 130 f) of the Framework.
15. I appreciate that the loss of the garage may displace storage needs. However, there is an existing shed, and the Council could control further outbuildings. I agree with the appellant that the same pressure could arise had the garage been used for parking. At the appeal site visit, it was evident that the garage is partly in use as a utility room, and this forms part of the proposed conversion. I therefore conclude that the dwelling would be served by sufficient amenity space to meet the current and future needs of its occupants, in accordance with the aims of the Framework and RDG6.

Other Matters

16. The Council has raised concern that allowing the proposal would set a bad precedent, and would make it difficult to resist further such proposals to the progressive detriment of the street scene. However, as I have found that the proposal would not alter the existing parking arrangements, this would not prevent the Council assessing each case on its own merits and resisting proposals that would result in tangible harm.

Conditions

17. 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.

18. As the site is located within an area at risk of flooding I have attached the Council's suggested condition regarding finished floor levels within the converted garage.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR