
Appeal Decision

Site visit made on 19 October 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2022

Appeal Ref: APP/X1545/D/22/3302537

2 Spitfire Road, Maldon, Essex, CM9 6GN

- 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 Dean Farmer against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/22/00413, dated 12 March 2022, was refused by notice dated 30 June 2022.
 - The development proposed is garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.
3. In the grounds of appeal, the appellant advises that a parking space would be created on the grass area next to the property, off the existing driveway. No plan has been supplied of the proposed parking area and it did not form part of the application determined by the Council. I do not know if the retention of the garden is subject of any planning condition, and given the visual implications that such an alteration may have this revision is too significant to be considered as part of this appeal. I have therefore determined the appeal as applied for in the planning application.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the street scene and locality; and (2) parking provision and highway safety.

Reasons

Character and Appearance

5. The appeal property is a link-detached dwelling prominently located at the junction of Spitfire Road and Lancaster Avenue, a main route into this part of a modern residential development. The dwelling mirrors the property on the

opposite side of the entrance to Spitfire Road, and both have landscaped garden areas fronting Lancaster Avenue, enclosed by railings. The parking which serves the dwelling is accessed from Lancaster Avenue, with a driveway and pitched roof canopy above. This canopy is attached to the neighbouring dwelling fronting Lancaster Avenue, and spans the parking spaces for both properties. The canopy is set back into the site and covers only part of the driveway length, but is nevertheless a notable feature.

6. As noted above, the appeal property is part of a modern residential area, and dwellings are served by a mix of garages, carports and open parking spaces. A carport canopy linking two properties is a design feature found elsewhere in the area, and makes a positive contribution to the character and appearance of the street scene by enhancing open parking areas.
7. The proposed extension of the canopy to create a partly flat-roofed garage would appear incongruous and awkward next to the remaining open canopy of the attached property, and would be highly visible in the street scene due to its position fronting a main road into the housing development. The proposal would undermine a design feature of the linked pair and other properties in the vicinity, and in so doing would detract from the street scene and the wider character of the area. This would be in conflict with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) [LP], which requires development to respect and enhance the character and local context and make a positive contribution in terms including architectural style.
8. I therefore conclude that the proposal would detract from the character and appearance of the street scene and locality, contrary to the aims of LP Policies D1 and H4, which amongst other criteria requires building extensions and alterations to be of an appropriate design that makes a positive contribution to the character of the original building and the surrounding area.

Parking Provision and Highway Safety

9. The parking standards applied by the Council are set out in the Maldon District Local Development Plan Supplementary Planning Document Vehicle Parking Standards 2018 (VPS). The existing driveway can accommodate two parking spaces of the size specified in the adopted standards¹. However, to constitute a parking space, the VPS specifies that the minimum internal size of a garage must be 3m x 7m.
10. The proposed garage would be materially below the required size to constitute a parking space, and would leave the property with one on-site space. The Council's Officer's Report confirms that the dwelling has three bedrooms, requiring a minimum of 2 car parking spaces in accordance with the VPS. I think it a reasonable assumption that this shortfall in on-site spaces could generate parking demand on the local roads by current or future residents at the property and their visitors.
11. The VPS confirms that inadequate off-street parking provision can lead to indiscriminate parking, which can affect the amenity and convenience of residents but also the safety of users of the highway or the passage of utility and emergency vehicles; with potential for overspill parking on footways and verges, affecting the appearance of the street scene and presenting difficulties

¹ 2.9m wide by x 5.5m long, or 6m where in front of a garage to allow the opening of a garage door.

for pedestrians, those using push chairs, and people with impaired mobility. Given the local road arrangement and the proximity of the property to a road junction, indiscriminate parking could give rise to unnecessary hazards for pedestrians, and restrict access for emergency vehicles.

12. I therefore conclude that the proposal has the potential to harm highway safety, contrary to the aims of LP Policies D1 and T2, which amongst other criteria require the provision of sufficient parking facilities having regard to the Council's adopted parking standards, and sufficient and safe access for service and emergency vehicles.

Conclusion

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

H Lock

INSPECTOR