



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/Z1510/D/22/3305039

5 Parr Close, Braintree, Essex, CM7 9PT

- 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 English against the decision of Braintree District Council.
 - The application Ref 22/01240/HH, dated 2 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is the construction of a first-floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a first-floor side extension at 5 Parr Close, Braintree, Essex, CM7 9PT in accordance with the terms of the application, Ref 22/01240/HH, dated 2 May 2022, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and Drg Nos 2227.01, 2227.02 and 2227.03.
 - 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.

Application for Costs

2. An application for costs was made by Mr English against Braintree District Council. This application is the subject of a separate decision.

Procedural Matter

3. Since the submission of the appeal the Council have adopted the Braintree District Local Plan 2013 - 2033 (2022) (BDLP). This replaced the Braintree District Local Plan Review (2005) (BDLPR) and the Braintree District Local Development Framework Core Strategy (2011). Policy RLP56 of the BDLPR, which is referred to in the decision notice, has been superseded and is no longer relevant. The Council has confirmed that draft Policy LPP45 of the Braintree District Draft Section 2 Local Plan (2017), which is also referenced within the decision notice, is renumbered as Policy LPP43 of the adopted BDLP.

4. I have been provided with a copy of BDLP Policy LPP43 and I note that the appellant's grounds of appeal were written with knowledge of the new Local Plan's adoption. No party is therefore disadvantaged by me proceeding to deal with the appeal in light of the changes to development plan policy.

Main Issue

5. The main issue is the effect of the development upon amenity and the free and safe movement of vehicles and pedestrians in the vicinity of the appeal site with regard to the provision of on-site parking.

Reasons

6. The appeal property is a two-storey, three-bedroom, linked detached dwelling with an original attached garage to one side which is now converted into a dining room as part of the property's ground floor living space. The proposal would involve a first-floor extension above this single-storey wing. The plans show that the extension would provide for an enlargement of an existing bedroom.
7. BDLP Policy LPP43 requires development to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards (EVPS). The Council's officer's report confirms that the EVPS requires that, prior to any extension or change of use, the developer must demonstrate adequate parking will be provided and that the minimum expectation for a dwelling of two bedrooms or more is an off-street parking provision of at least two spaces.
8. The property currently has one off-street parking space. Although the proposal does not create any additional bedroom space, there would be an intensification of use and the potential for a fourth bedroom to be created within the extension. With just one off-street parking space available, regardless of whether the former garage was large enough to accommodate a parked car or not, the current level of off-street parking provision for the appeal property is below the requirements of the EVPS. A proposal to intensify the use would therefore lead to conflict with Policy LPP43.
9. Parr Close is a short stretch of residential cul-de-sac within a wider residential estate development where on-street parking is uncontrolled and widely available and utilised. During my mid-morning visit there were a number of cars parked in Parr Close but from my own observations these did not prevent the free flow of traffic or pedestrians. Neither did they appear to me as cluttered or out of keeping with the character of the street scene or wider area where parked cars are commonplace. Furthermore, I have been provided with no evidence, neither substantive nor anecdotal, of any parking stress in the locality to suggest that there is a lack of on-street parking capacity. As such, based on the information before me, notwithstanding the numerical deficiency in off-street parking at No 5, I am not persuaded that any possible additional on-street parking generated by the proposal would result in harm to either the visual amenity of the area, or to the free and safe movement of vehicles and pedestrians.
10. Although the proposal would conflict with Local Plan Policy LPP43 by leading to an intensification of use without compliance with the EVPS, I am unable to identify any harm as a consequence. Therefore, despite this conflict, there are

material considerations in this instance that lead me to conclude that the appeal should succeed.

Conditions

11. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials to match the existing building.

Conclusion

12. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR