
Appeal Decision

Site visit made on 23 November 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/M1520/D/22/3307843

3 Heilsburg Road, Canvey Island, Essex, SS8 8HH

- 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 Ernest Allen against the decision of Castle Point Borough Council.
 - The application Ref. 22/0420/FUL, dated 18 May 2022, was refused by notice dated 26 September 2022.
 - The development proposed is garage conversion, with raised roof and front extension.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion, with raised roof and front extension at 3 Heilsburg Road, Canvey Island, Essex, SS8 8HH, in accordance with the terms of the application Ref. 22/0420/FUL, dated 18 May 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 4 of this permission, in all other respects the development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/22547/001 REV A and CAD/PP/22547/002 REV C.
 - 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) At no time shall the area shown with a parallel parking space between the dwelling and highway on drawing no. CAD/PP/22547/002 REV C be used for the parking of vehicles.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. In Part E of the appeal form a slightly 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. Prior to the determination of the appeal, the parties were invited to comment on suggested planning condition No.4, and the response received has been taken into account.

Main Issue

4. The main issue is whether sufficient parking provision would be provided to meet the needs of current and future occupants of the property, and its effect on highway safety and the amenity and convenience of surrounding residents.

Reasons

5. The appeal property is a one-bedroom single-storey dwelling located within a residential area. The size and design of dwellings in the vicinity varies, as does the level of on-site parking available for each property. Heilsburg Road is not unduly narrow and there are no parking restrictions in the vicinity of the appeal site. As such, there is some on-street parking alongside the off-street provision.
6. Policy T8 of the Castle Point Borough Council Local Plan 1998 (LP) advises that the Council will apply the parking standards of Essex County Council¹, which require 1 vehicle space for a 1-bedroom dwelling, and 2 spaces for 2+ bedroom properties. The standards exclude garages with internal dimensions of less than 7m x 3m, and give a preferred bay size for cars as 5.5m x 2.9m.
7. The garage to be converted and extended is too small to constitute a parking space, and therefore the dwelling has only one on-site parking space of the required size. There would appear to be insufficient frontage depth to accommodate a second parking space parallel to the road.
8. However, as applied for, the proposal is to extend and convert the garage to create a dining room. I can appreciate the Council's concern that the room would have potential to be used as a bedroom, but it could also be used as a study or other habitable space. The use of the room could not be controlled by a planning condition, being neither reasonable nor enforceable. Nevertheless, the dwelling would remain modest in size and on the evidence provided I am not convinced that an additional habitable room would give rise to the need for a second parking space, either by the current householder or any future one. In support of my assessment, I note that Essex County Council as highway authority found the proposal acceptable, as adequate room would be retained on the driveway for one compliant off-street parking space.
9. The Council's report acknowledges that the parking standards may be reduced for dwellings in urban areas if there are good links to sustainable transport, and also notes that there is a bus stop within easy walking distance of the site. Whilst the report states that the bus service is not of sufficient quality to deter car ownership, I consider that it would provide a reasonable alternative alongside the on-site parking provision. This would also be consistent with the Council's determination of the garage conversion (also to a dining room) at 1 Heilsburg Road, under application ref. 18/1098/FUL, assessed against the same local planning policies now in place. No copy of the decision notice has been supplied, but the appellant has provided a copy of the Council's report and the garage has been converted.
10. Taking into account the above factors, I do not consider that the proposal would result in the potential for a material increase in on-street parking. Moreover, it is not evident that Heilsburg Road is so constrained in its width or otherwise that it could not accommodate short-term visitor parking. Given the

¹ As set out in the Essex County Council 'Parking Standards Design and Good Practice' 2009

response of the highway authority, I am satisfied that the proposal would not result in any detriment to traffic flow, highway safety and the amenity and convenience of surrounding residents. This would be in accordance with paragraph 111 of the National Planning Policy Framework, which makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11. I therefore conclude that the proposal would include sufficient parking provision to meet the needs of current and future occupants of the property, and would not be detrimental to highway safety and the amenity and convenience of surrounding residents. This would accord with LP Policy T8 and the adopted parking standards, and with LP Policy EC2, which requires all modes of movement to be made safe and convenient.

Conditions

12. 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.
13. With the appellant's agreement, I have attached a condition to prevent substandard parallel parking within the front garden.
14. In its consultation response, the highway authority suggested that an area on site should be identified for the reception and storage of building materials. However, I consider there to be sufficient space available for this purpose without the need to obstruct the highway, and that a condition would not meet the test of necessity.

Conclusion

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

H Lock

INSPECTOR