



Appeal Decision

Site visit made on 13 December 2022

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/W1525/D/22/3305643

Glenmore The Tye East Hanningfield Chelmsford Essex CM3 8AE

- 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 Svetoslav Metodiev against the decision of Chelmsford City Council.
 - The application Ref 22/00437/FUL, dated 1 March 2022, was refused by notice dated 31 May 2022.
 - The development proposed is the conversion of a double garage to habitable space-gym.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on highway safety as a result of the loss of garage space on site.

Reasons

3. Glenmore, the appeal property, (Glenmore) is a modern detached dwelling located on The Tye, the road running through the village of East Hanningfield. The double garage, the subject of the appeal, is sited to the rear of the dwelling accessed from a narrow private driveway off The Tye which is shared with two other dwellings and an office building, The Mill. At the time of the approval for Glenmore, permitted development rights allowing for the conversion of the double garage were removed, providing for the double garage to remain available for the use of parking. The Essex Parking Standards Design and Good Practice Guide (2009) (Parking Standards Guide) requires 2 parking spaces for a dwelling of 2 or more bedrooms.
4. As a result of the proposed conversion of the garage to a gym, there would be a reduction in the parking provision available at Glenmore, albeit that in practical terms the appellant advises that the double garage is currently used for storage. In any event the double garage falls below the current standard dimensions for garage space of 7m x 3m as set out in the Parking Standards Guide. The block plan submitted with the appeal shows two parking spaces proposed in front of the existing double garage. The Council indicates that the space available is insufficient to accommodate two off street car parking spaces

of the recommended dimensions within the Parking Standards Guide of 5.5 m x 2.9 m. This is not disputed by the appellant.

5. Whilst the appellant asserts that the space in front of the double garage is adequate to accommodate two average sized vehicles without impacting upon the free movement of vehicles on the private driveway and turning area, I do not share this view. The private driveway is narrow and the space within the turning area limited due to the close proximity of The Mill. It is likely that vehicles parked on these spaces would encroach onto the private driveway/turning area, particularly in the case of the western car parking space. Moreover, parked vehicles would also be likely to obstruct the turning area and hence the ability of cars and emergency vehicles to manoeuvre safely and leave the site in a forward gear. On the information before me, the proposal would have a significant effect on the parking provision at Glenmore leading to an overhang of vehicle or vehicles on the private driveway and turning area, or a demand for on street parking.
6. Whilst there is unrestricted parking on The Tye, there are no footways. The private driveway to the site is narrow and any additional on street parking on The Tye in relatively close proximity to Glenmore is likely to cause a hazard. This would adversely affect the visibility and the safety of drivers leaving the private driveway and road users, including pedestrians, on The Tye. Indeed, I note that the Council's concerns in this regard are also raised in third party representations. Consequently the proposal would harm highway safety.
7. I appreciate the appellant's arguments about the restricted space of the double garage which does not accommodate his vehicles, and that the double garage does not meet current parking standards. I also accept that it may be common practice for some vehicles to currently park in these spaces. However these matters do not outweigh the harm to highway safety which would result from the provision of car parking spaces of sub standard dimensions in this location.
8. The car parking spaces as proposed would be insufficient to accommodate two vehicles and would fail to meet the Council's overall standards for car parking spaces. As such, the proposal would fail to comply with Policy DM27 of the Chelmsford Local Plan which requires regard to be made to the Parking Standards Guide and that proposals which fall below the standards therein should be supported by evidence detailing the local circumstances that justify deviation from the standard. On the information before me, I am not convinced that this is a case where an exception would apply. The proposal would also fail to comply with National Planning Policy Framework which provides that applications should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matter

9. Glenmore is within the East Hanningford Conservation Area (CA). The Council raises no objection to the proposal in terms of its impact on the character and appearance of the CA. Based on the evidence before me, I see no reason to come to a different view. Having had special regard to the desirability of preserving or enhancing the character and appearance of the area, I am satisfied that the statutory test would be met¹.

¹ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Conclusion

10. For the reasons given and having taken all matters into account, I dismiss the appeal.

K Winnard

INSPECTOR