
Appeal Decision

Site visit made on 7 March 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/M1520/D/22/3313630

48 Paarl Road, CANVEY ISLAND, Essex, SS8 9BT

- 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 Ms Anne Chrysostomou against the decision of Castle Point Borough Council.
 - The application Ref. 22/0531/FUL, dated 2 November 2022, was refused by notice dated 7 December 2022.
 - The development proposed is described as retrospective application to convert garage into second bedroom.
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Decision

1. The appeal is allowed and planning permission is granted to convert garage into second bedroom at 48 Paarl Road, CANVEY ISLAND, Essex, SS8 9BT, in accordance with the terms of the application, Ref. 22/0531/FUL, dated 2 November 2022, subject to the following conditions:
 - 1) Subject to the requirements of condition 3 of this permission, in all other respects the development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/22577/001 Property as Previous; and CAD/PP/22577/002 Property as Existing/proposed.
 - 2) 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.
 - 3) At no time shall the area shown with a parallel parking space between the dwelling and highway on drawing no. CAD/PP/22577/002 be used for the parking of vehicles.

Procedural Matters

2. The description in the banner heading has been taken from the planning application form. However, in the formal decision I have omitted reference to the application being retrospective to reflect the definition of development within the terms of the Planning Acts.
3. Described as 'retrospective', the conversion of the garage to a habitable room has taken place internally, but the garage door remains in place. As such, further alterations are proposed to replace the garage door with a window and wall surround, and to replace a window with doors on the rear elevation. I have therefore considered these elements as proposed on the submitted plans.

4. Prior to the determination of the appeal, the parties were invited to comment on suggested planning conditions to prohibit the creation of a second parking space, or to secure modifications to enable its use. The responses received have been taken into account.

Main Issues

5. The main issues are the effect of the development on (1) parking provision, highway safety and convenience; and (2) the character and appearance of the appeal property and the street scene.

Reasons

Parking, Highway Safety and Convenience

6. The appeal property is a single-storey dwelling with an attached former garage to one side. There is a driveway parking space in front of the garage but the remainder of the front garden has planting set within a stone chip finish. The conversion of the garage has created a habitable room, referred to as a second bedroom on the submitted plans.
7. Policy T8 of the Castle Point Borough Council Local Plan 1998 (LP) requires the application of the parking standards published by Essex County Council, and these are set out in the 'Parking Standards Design and Good Practice 2009' (PS). These require the provision of two parking spaces for a dwelling with two or more bedrooms. As a result of the garage conversion, the property would technically have a shortfall of one space in order to comply with the standards.
8. However, the internal dimensions of the converted garage are materially below the size of 7.0m x 3.0m required for a garage as set out in the PS. Indeed, it is below the size of a preferred open parking bay. The PS confirms that a garage below the recommended size could not be considered a parking space or count towards the parking space allocation. As such, there is no loss of usable covered parking on site, as prior to its conversion the garage was too small for the parking of modern vehicles.
9. The proposal includes the creation of a parallel space on the site frontage, but the reason for refusal notes that there is insufficient garden depth to safely and conveniently accommodate a second parking space. Viewed on the ground, it appears that the location and height of a gas pressure monitor would restrict the use of this area for parking. Although a note on the submitted plan indicates that the gas meter box would be relocated, no information has been provided to indicate how, or where, this could be moved to make a usable space. I therefore consider that the dwelling has a shortfall of one space, whilst potentially increasing occupancy at the property.
10. The converted garage is small in footprint. Its constraints would limit the potential occupancy, and the dwelling would remain modest in size. On this basis I am not persuaded that the appeal development would give rise to the need for a second parking space, either by the current householder or any future one. In this regard, I also note the sustainable location of the site relative to public transport and the facilities of Canvey Island, as set out in the appeal statement.
11. At the time of the appeal site visit, there was some on-street parking evident along the length of Paarl Road. However, with cars parking on one side of the

road there was no obstruction of the remaining highway for the passage of cars and other vehicles, nor interference with the road junction. Given the availability of some on-site parking for most properties in the locality, I am not convinced that the development generates additional on-street parking demand that cannot be met. On the basis of the evidence provided, I do not consider that such parking would be detrimental to highway safety or the convenience of other residents and road users.

12. I note the Council's view that the lack of a second parking space would give rise to overdevelopment of the site. However, as I have not found a second space to be necessary and the footprint of the building would not enlarge I do not share this assessment.
13. I therefore conclude that there is sufficient parking provision to meet the needs of current and future occupants of the property, and no detriment to highway safety and convenience. Although there is some conflict with LP Policy T8 and the adopted parking standards, this is outweighed by the small and substandard size of the converted garage, the modest increase in the potential occupancy of the dwelling, and the availability of one on-site parking space to serve residents. There is no conflict with LP Policy EC2, which requires all modes of movement to be made safe and convenient, RDG12 of the Residential Design Guidance Supplementary Planning Document 2013 (SPD), and paragraph 130 of the National Planning Policy Framework (the Framework).

Character and Appearance

14. The character and appearance of Paarl Road is that of a suburban residential street and many frontages are fully paved for vehicle parking. As such, the parking of vehicles is a dominant feature of the street scene. Within this context, the front garden of the appeal property has a balance of on-site parking and mature planting, and this provides some visual relief that is a positive feature in the street scene. However, the appeal statement refers to hard surfacing works which the appellant could undertake without the need for express planning permission.
15. Nevertheless, it has not been demonstrated that there is sufficient depth on the frontage to create a second parking space. The appellant has agreed to a condition that would prevent the parking of a second vehicle on the site, which would reduce the dominance of cars on the property, to the benefit of its character and appearance and that of the street scene.
16. Subject to such a condition, the appeal development would not detract from the character and appearance of the appeal property or the street scene, and would accord with LP Policy EC2, SPD RDG12 and paragraph 130 of the Framework. The Council has questioned the enforceability of such a condition, but as the frontage is visible from the public domain a breach would not be difficult to detect.

Other Matters

17. I find the external changes to the converted garage to better facilitate its habitable use to be acceptable in design and all other matters, and in accordance with LP Policy EC2.

Conditions

18. As the development has begun I have not imposed the standard time limit, but 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.
19. With the appellant's agreement, I have attached a condition to prevent parallel parking within the front garden. Although I note the Council's preference for a condition to secure the creation of a second space were the appeal to be allowed, it has not been established that there is space available to achieve this. Moreover, I have not found that such a condition would meet the test of necessity.

Conclusion

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

H Lock

INSPECTOR