

Appeal Decision

Site visit made on 17 April 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/W1525/D/23/3315886

7 John Eve Avenue, Springfield, Chelmsford, Essex CM1 6DE

- 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 Errim Naz Sleemy against the decision of Chelmsford City Council.
 - The application Ref 22/01615/FUL, dated 28 August 2022, was refused by notice dated 9 November 2022.
 - The development proposed is conversion of garage into habitable room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on parking and highway safety.

Reasons

3. John Eve Avenue is a residential road located within Beaulieu, a major development in the north-west of Chelmsford. The avenue displays a strong degree of planned uniformity with predominantly three storey dwellings of similar design and appearance laid out in short terraces, set back from the road frontage with planted front gardens and paved driveways for off-street parking. Parking is also provided by tandem garages running the full depth of each property. The proposal involves the partial conversion of No 7's garage to provide an enlarged kitchen/dining room.
 4. Policy DM27 of the Chelmsford Local Plan (2020) says that the Council will have regard to the vehicle parking standards set out in the *Essex Parking Standards – Design and Good Practice* (2009) (EPS) when determining planning applications. Proposals which provide below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.
 5. The appeal property has three bedrooms and, in accordance with the EPS, would usually require a minimum of two off-street spaces. However, the Council explains that three parking spaces were required at the time of the original planning permission, in accordance with the particular parking standards developed for Beaulieu.
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6. This permission includes a condition that requires that the approved parking for dwellings shall not be used for any other purpose. The reason is to ensure that parking provision is acceptably integrated within the development, avoiding car dominated spaces and to prevent on-street parking in the interests of highway safety and the amenities of the area¹.
7. The appellant contends that two parking spaces would be retained, one to the front part of the garage, the other on the hardstanding in front of No 7. The space in the garage would be just over 5.9m by 3.7m. The EPS, however, requires a minimum garage size for cars of 7.0m by 3.0m. Garages of this dimension and over are considered large enough for the average sized family car and cycles, as well as some storage space, and will be considered a parking space or count towards the parking space allocation². As the proposal would result in a space below this size it cannot count as an adequate parking space. Consequently, the proposal would result in one remaining space on the front hardstanding.
8. John Eve Avenue carries a strategic footpath/cycle path route, which is a shared surface and forms part of the primary network of footpaths and cycle paths across Beaulieu, providing sustainable links to key destinations. Therefore, as part of the wider planned layout of the development, the avenue will be heavily used once the overall development is completed. The purpose of avoiding conflict between users of the shared space is reflected in the off-street parking standards and the condition requiring these to be retained.
9. With the loss of two spaces, the proposal is highly likely to result in on-street parking, which is contrary to these objectives and which is likely to result in material harm to highway safety through conflict between users of the shared space. Moreover, I agree with the Council that it would set a precedent for further similar proposals, which would be likely to add to further on-street parking, thereby causing additional harm to highway safety. I acknowledge also that the soft landscaping to the front of properties makes an important contribution to the character and appearance of the street scene. Consequently, it would not be desirable to provide additional parking at the expense of the existing landscaped area.
10. The appellant draws my attention to other examples of similar proposals in the avenue. Nos 8 and 31 are dwellings on corner plots. These benefit from a larger front driveway area than neighbouring properties and, therefore, three spaces were retained at these properties. While No 32 is not on a corner plot, it appears that the original proposal was revised to provide an internal garage that met the EPS size requirements and, therefore, three spaces were retained at the property. Therefore, while I have had regard to these other examples, they are not directly comparable to the appeal proposal in terms of their effects on parking provision and highway safety.

¹ Outline planning permission ref 09/01314/EIA.

² Paragraphs 3.4.15 and 3.4.16.

11. Accordingly, for the above reasons, I conclude that the proposal would have a materially harmful effect on parking and highway safety. Consequently, it is contrary to Policy DM27 of the Chelmsford Local Plan, as described above; and to the National Planning Policy Framework, with regard to the effects of development on highway safety and minimising the scope for conflict between pedestrians, cyclists and vehicles.³

Conclusion

12. For the reasons given above it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

³ Paragraphs 111 and 112.