



Appeal Decision

Site visit made on 4 April 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/C1570/W/22/3306534

15 Pelham Road, Clavering, Essex CB11 4PQ

- 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 Tristin Swales against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0745/FUL, dated 14 March 2022, was refused by notice dated 5 July 2022.
 - The development is the conversion of existing annex into a separate dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For conciseness and clarity in my banner heading I have removed superfluous wording that is not a description of development.

Main Issue

3. The effect of parking on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. 15 Pelham Road is a detached single storey dwelling set back from the highway with a grass verge. It is elevated from the road and accessed via a narrow driveway. To the rear of the dwelling is a detached single storey residential annex which is accessed by foot via a pathway to the side of the garden.
5. There is no difference between the existing and proposed arrangements for parking. Parking for both residential units is to the front and side of no. 15, accessed via a shared driveway. Five parking spaces are shown including one in the garage. Although there is dispute between the parties as to whether the garage parking space is substandard in size and able to accommodate a car, the provision of 4no. parking spaces would comply with the Uttlesford Local Residential Parking Standards February 2013.
6. Both pairs of parking spaces are laid out in tandem formation. The parking layout is constrained by the dwelling and boundary treatments and consequently does not provide a turning area. It is noted that the local highway authority did not comment on the application, however, as observed from my site visit, the lack of space to manoeuvre a vehicle would be likely to result in vehicles having to reverse into or out from the shared narrow sloping access from the main road which runs through the village.

7. Whilst there is good visibility in both directions, the narrow carriageway width and the lack of footway on the side of the road where the appeal site is located means that these manoeuvres are likely to result in conflict between other highway users, to the detriment of highway safety. Manoeuvres within the road would interrupt the free flow of traffic and would increase the risk of accidents. Regardless of whether vehicles exit the site in a forward or reverse gear, having regard to the speed restrictions, the width of the carriageway and the intermittent traffic flow on the road such movements would lead to conditions which would be prejudicial to highway safety.
8. Whilst I acknowledge that the parking layout currently exists it is reasonable to expect an independent dwelling to generate additional vehicle movements over and above an ancillary residential unit. Accordingly, the proposal would result in additional risks to highway safety.
9. I note the appellants comments regarding walking to village facilities, however, from the limited information available to me local facilities and services are not sited close to the appeal site. Additionally, there is no pavement on the side of Pelham Road, where the appeal site is positioned, and pedestrian access to the footpath can only be achieved by crossing the road. From the information presented to me the availability of public transport serving the village is limited. In any event the availability of alternative modes of transport does not lead me to conclude that the vehicle movements associated with a separate residential unit would be acceptable in terms of highway safety.
10. When addressing highway matters the appellant has referred to the incorrect version and paragraph of the National Planning Policy Framework (the Framework). Paragraph 111 of the Framework (2021) sets out two elements to refusal on highway grounds. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. In this circumstance I have concluded that the movements associated with a separate dwelling would not result in a safe and suitable access for all users as per paragraph 110 b) of the Framework.
11. For the reasons set out above, I find that the parking arrangements would have a harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. I find conflict with Policy GEN1 of the Uttlesford Local Plan and the Framework. Collectively these policies seek, amongst other things, to ensure safe access to the site for all users.

Other Matters

12. Having regard to the Framework I do not consider the site as isolated. The principle of development is not disputed as the site is located within the confines of the existing settlement and the proposal would make a more effective use of the existing building. The development would contribute a single dwelling of a smaller unit size to the housing land supply and there would be social and economic benefits arising from this use. There would be social and economic benefits associated with the site as a new dwellinghouse. This weighs in support of the proposal, albeit to a limited extent given the scale of the development.
13. As the proposed development would not result in any physical alterations to the building the development would not harm protected species. The existing

garden would be divided between the existing and proposed dwellings, both of which would have sufficient private garden space. Due to the presence of existing boundary treatments no harm would be caused to the occupiers of neighbouring dwellings through overlooking, loss of outlook, sunlight or daylight. However, the lack of harm on these matters would only be a neutral factor.

14. The site lies outside of the Clavering Conservation Area (CA). As an existing building with no physical alterations proposed, and not publicly visible from the CA, the proposal would not have any harmful impact upon the setting of the CA.
15. If I were to allow the appeal, I could impose a condition for the provision of electric vehicle charging to promote sustainable travel and improve air quality. However, this does not affect my findings on the main issue.
16. The appellant has referred to other developments previously approved by the Council¹ which they consider are similar to the appeal proposal. Whilst I do not have the full details of these cases before me, from the limited information provided there appear to be differences with them and the appeal proposal including the description of development and location. In any event, each case has to be assessed on its own merits.
17. There is some local support for the proposed development, which is a neutral factor in the determination of this case and does not outweigh the harm which I have identified.
18. The appellant states the Council cannot demonstrate a five-year supply of deliverable housing sites, and this is not disputed by the Council. In circumstances such as this paragraph 11 d) of the Framework states the most important policies for determining the application should be considered out-of-date. There would be moderate, social and economic benefits associated with the proposal relating to spend within the local economy once the dwelling is occupied. The dwelling would also contribute towards housing provision. However, given the small scale of the proposed development the weight afforded to these benefits is limited. As I have found conflict with the policy of the Framework on the main issue, in accordance with paragraph 11 d ii) I consider that the harm would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

19. Taking all the above into account, the appeal scheme would conflict with the development plan and there are no relevant material considerations, including the approach of the Framework, that would indicate a decision other than in accordance with it. I conclude that the appeal should be dismissed.

R Gee

INSPECTOR

¹ Council references UTT/19/1345/FUL and UTT/20/2861/FUL