



Appeal Decision

Site visit made on 28 June 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15TH August 2023

Appeal Ref: APP/A1530/W/22/3312533

Taylor's View, 18A Fingringhoe Road, Colchester, Essex CO2 8DZ

- 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 Helen Beach against the decision of Colchester Borough Council.
 - The application Ref 221877, dated 25 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is the conversion of existing garages to habitable space and amended parking provisions.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Helen Beach against Colchester Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. For reasons of clarity, the description of development from the appeal form and the Council's decision notice has been adopted.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the living standards of the future occupiers and (b) the safety of other highway users.

Reasons

Living Standards

5. The appeal property is a building which comprises garages at ground floor level with a 1-bedroom flat above. The proposed development includes the creation of a 2-storey, 3-bedroom dwelling with the existing garage parking re-provided as external parking spaces. These parking spaces would be part of a surfaced area associated with the appeal property and 20 Fingringhoe Road. This area is accessed along a private drive.
6. Policy DM19 of the Colchester Local Plan (LP) expects all new residential development to provide easy access to a high standard of usable private amenity space with its size being informed by the needs of residents and the

- accessibility of the location. For 3-bedroom houses the private amenity area should be a minimum of 60sq m but for proposals in accessible locations, where higher densities may be appropriate, reduced garden sizes for houses may be acceptable but a minimum of 25sq m should be provided.
7. The proposed development would not achieve the 60sq m of private amenity space sought by LP Policy DM19. Further, the quality of the proposed amenity space would not be of a particularly high standard. Part of the amenity space would be a strip of decking to the rear of the proposed dwelling and this would have limited value to any future occupiers other than as a sitting out area. To one side of the proposed dwelling there is an area of space which would be the location of the bin storage rather than being usable for amenity purposes.
 8. The design of the proposed dwelling is such that there would not be direct access from the kitchen/diner to the side garden which includes a landscaped area. Instead, the access to this amenity space would be convoluted by reason of only being via the strip of decking. Further, although usable, the side garden would be of a size which would not reflect the typical needs of a family 3-bedroom dwelling by providing sufficient space for children's play and, potentially, drying washing.
 9. As identified by the appellant, LP Policy DM19 does allow for a smaller private amenity of circa 25sq m and the side garden may achieve this size. The property is accessible on foot to a convenience shop and a bus route. However, the property is not situated within an existing higher density residential area and the size of the side garden would be significantly smaller than the rear gardens associated with 14 to 18 and 20 Fingringhoe Road.
 10. A near-by equipped play area and area of open woodland were observed during the site visit. Although these facilities are within walkable distance of the appeal site, it would require children to cross what was observed to be a busy road. Even if these facilities were used by future occupiers they do not outweigh the convenience of having high quality and usable private amenity space associated with a family dwelling. For this reason, there would be unacceptable living standards for the future occupiers of the proposed dwelling.
 11. In front of the proposed dwelling there would be no private amenity space but the surfaced area would be used for parking and manoeuvring of vehicles. It is proposed that a parking space, which appears to be associated with No. 20, would be located adjacent to the kitchen/dinner window. The noise and disturbance associated with a vehicle parked in this location, including the starting of an engine and slamming of car doors, adds to the unacceptable living standards of the future occupier already identified.
 12. On this issue it is concluded that the proposed development would provide unacceptable living standards for the future occupiers and, as such, it would conflict with LP Policy DM19.

Highway Safety

13. The appellant has identified that 4 vehicles could be parked within the shared surfaced area between and adjacent to the property and No. 20. As claimed by the appellant, the provision of 2 parking spaces per dwelling would accord with the relevant parking standards published by the Highway Authority.

14. Further, tracking has been provided which demonstrates that the parked vehicles could manoeuvre to enter and leave the site in forward gear without the need to reverse along the private access drive. Even if such a reversing manoeuvre occurred then it would not involve a vehicle exiting onto the carriageway of Fingringhoe Road or crossing a footway. Any vehicle would emerge from the drive into an existing used for parking and manoeuvring other vehicles.
15. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the safety of other highway users and, as such, there would not be a conflict with LP Policies DM21 and DM22. Amongst other matters, these policies require new development to maintain the right and safe passage of all highway users and provide an appropriate level of car parking.

Conclusion

16. Although the proposed development would not cause unacceptable harm to the safety of other highway users, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the living standards of the future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR