



Appeal Decision

Site visit made on 8 August 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2023

Appeal Ref: APP/C1570/D/23/3320531

32 The Croft, Little Canfield, Essex CM6 1YD

- 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 & Mrs M Simmons against the decision of Uttlesford District Council.
 - The application Ref UTT/23/0183/HHF, dated 24 January 2023, was refused by notice dated 10 March 2023.
 - The development proposed is garage conversion, first floor extension over garage and alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for garage conversion, first floor extension over garage and alterations at 32 The Croft, Little Canfield, Essex CM6 1YD in accordance with the terms of the planning application Ref: UTT/23/0183/HHF dated 24 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings: 2540 – 01, 2540 – 03, 2540 – 04 and 2540 – 05 dated Jan 2023.
 - 3) Prior to the commencement of the development hereby permitted, a plan demonstrating 2no. parking spaces (each space to measure a minimum of 2.9 x 5.5 metres) shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces shall be provided and made available for use prior to occupation of any part of the approved development and thereafter be retained only for the parking of vehicles for occupants of the dwelling known as 32 The Croft.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those set out on plan/drawing Ref. 2540 – 05 dated Jan 2023.

Main Issue

2. The main issue is whether or not the proposed development would make adequate parking provision and the effect upon highway safety.

Reasons

3. Policy GEN8 of the Uttlesford Local Plan (2005) (ULP) states that extensions will be permitted provided the number, design and layout of vehicular spaces is appropriate for the location in the summary extract of standards produced at Appendix 1. I have not been provided with Appendix 1. While not named in the policy, the evidence suggests the guidance the Council applies is now the Essex County Council Parking Standards Design and Good Practice document (2009) (the PSD) as amended by the Uttlesford Local Residential Parking Standards (2013) (the LRPS).
4. The PSD recommends 2 spaces per dwelling for a 2+ bedroom dwelling. The Council adopted the LRPS because it took the view the nature of its area justified an alternative approach. The LRPS requires 3 spaces for a 4+ bedroom dwelling. The LRPS is understood to have undergone consultation prior to adoption, so I consider it to be a material consideration.
5. The garage is not understood to be used for parking and the width of the garage opening, and internal pillars, means the garage is below the required 7m x 3m to be of a sufficient size to provide a space in accordance with the PSD and LRPS, and parking with many modern larger cars difficult. In accordance with the standards, and in practice, this appeal proposal would not result in an overall reduction in adequately sized spaces, and there is only one adequate space reserved for the occupiers.
6. The Council has suggested a pre-commencement condition requiring three spaces and the appellants have offered one to provide two spaces. Securing a further standard space would mean there is no greater shortfall in standard secured spaces for the size of dwelling than currently exists.
7. The appellants' evidence and what I saw suggests additional parking would be achievable behind the existing space, to the side of the garage, or on the highway, although this is not shown on the submitted plans. The LRPS suggests on-plot should be the normal approach, but it does not specifically restrict parking only to on-site off-street spaces and the Council has not stated it must be read as such. I see no reason why an additional space cannot be provided. However, the provision of two spaces would conflict with the LRPS.
8. The Council has expressed the view that non-compliance with the parking standard results in harm to highway safety. My visit can only represent a brief snapshot in time. The appeal site is within what appeared to be a lightly trafficked cul-de-sac. Notwithstanding designated numbered spaces for residents and visitors, there were some vehicles parked on the highway in front of dwellings close-by. From what I saw the layout and design of the street could safely accommodate such parking. There was a high level of on-street space available nearby at the time of my visit.
9. There is no substantive evidence to suggest what I saw was untypical. Available on-street parking appeared a safe and convenient option were occupiers unable to park at the appeal site. Based upon the evidence before me and what I saw, the proposed development would not be to the detriment of future occupiers of the appeal site or adjacent dwellings.
10. In its delegated report the Council has not substantiated or explained how it has reached the view the development would be to the detriment of highway

and public safety, having regard to for example highway layouts, or evidence of parking levels or stress, to explain the case for reaching the decision it did. For the reasons set out, I conclude there would not be harmful effects from the development upon highway and public safety and it would not be justifiable to dismiss the appeal on such a basis.

11. Even if it were considered to conflict with the aims of Policy GEN8 through not making provision in accordance with the LRPS, for the reasons set out above there would be no increased shortfall in adequately sized designated spaces, and there would be no overall harm from the proposal. Therefore, for the reasons set out above, the proposal could ensure adequate parking provision that would not harmfully affect highway safety.

Other Matters

12. The Council is of the view the proposal would be of an acceptable design and appearance and is compliant with the expectations relevant policies. It is satisfied the proposal would not be harmful to the living conditions of neighbouring occupiers and there is no objection in respect of biodiversity. Based upon the evidence before me, I see no reason to disagree in respect of these matters. There would be some minor temporary economic benefits from construction and social benefits through the provision of greater internal accommodation, which attract minor weight in favour of the scheme.

Conditions

13. As well as the standard commencement condition, a condition requiring the development is carried out in accordance with the approved plans is necessary, to ensure certainty. To ensure a satisfactory appearance, a condition requiring the use of external materials on the plans is also necessary.
14. To make the development acceptable a condition is necessary to provide a total of two parking spaces. Having regard to the advice in the Planning Practice Guidance, I have combined elements of both suggested conditions in the interests of precision and clarity, to require the plan is approved prior to commencement and it is implemented prior to occupation. It is necessary for this to be a pre-commencement condition to ensure it can be adequately demonstrated parking spaces can be provided as proposed.
15. The suggested ecological informative advice does not carry legal weight and cannot be used in place of a planning condition, although the appellant will be aware of its advice.

Conclusion

16. The proposed development conflicts with the aims of Policy GEN8 of the ULP insofar as it results in a shortfall in parking provision sought by the LRPS. Therefore, it conflicts with the development plan. However, there are material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed.

Dan Szymanski

INSPECTOR