



Appeal Decision

Site visit made on 3 July 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/M1520/W/22/3303463

14 Downesway, South Benfleet, Essex SS7 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gregory Alden-Matthey against Castle Point Borough Council.
 - The application Ref 22/0379/FUL, is dated 9 May 2022.
 - The development proposed is to demolish the existing garage, porch and conservatory and construct a single storey rear/side extension plus other external alterations.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing garage, porch and conservatory and construct a single storey rear/side extension plus other external alterations at 14 Downesway, South Benfleet, Essex SS7 1EE in accordance with the terms of the application, Ref 22/0379/FUL, dated 9 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan; one; two; three; four A; five; six; seven; and ten.
 - 3) The external surfaces of the extension hereby permitted shall be constructed in accordance with the details specified on the application form and approved plans or shall match those used on the existing building.
 - 4) The development hereby permitted shall not be occupied until the existing vehicular crossover has been extended as far as the lamp post and the whole vehicular crossover shall thereafter be permanently retained.
 - 5) The development hereby permitted shall not be occupied until the parking spaces have been laid out within the site in accordance with plan one dated May 22. The parking spaces shall be hard surfaced and use permeable paving and shall thereafter be kept available at all times for the parking of vehicles.

Preliminary Matters

2. The appeal is against the non-determination of a planning application. The Council's Planning Officer's Report and appeal statement indicate that it would have refused planning permission for reasons relating to highway safety and the free flow of traffic. The main issue below is therefore taken from the Council's appeal statement.

3. Despite the description of development in the banner heading above, at my site visit, I observed that the garage, porch and conservatory have already been demolished.
4. Both parties agree that plan four A was under consideration at the planning application stage and not plan four originally submitted with the appeal. The Council is not aware of plan ten provided with the appeal documents, but it relates to the proposed drainage arrangement and would not affect the development proposals previously under consideration by the Council. I am satisfied that no parties would be prejudiced by my consideration of plans four A and ten and have had regard to them in my determination of the appeal.
5. The Council's appeal statement includes information on a subsequent planning application (ref 22/0795/FUL) including a plan which shows a widened crossover and a repositioned streetlight. However, these did not form part of the current proposal and I must determine the appeal on the basis of the plans submitted to the Council. Nevertheless, the appellant indicates that the streetlight was moved in November 2022, and I observed this on my site visit, and have given it due regard in my consideration of the appeal.

Main Issue

6. The main issue is the effect of the proposal on highway safety and the free flow of traffic.

Reasons

7. The appeal site comprises a detached bungalow located in Downesway within a residential area. There is an existing driveway accessed from the turning head at the end of the cul de sac, with a lamp post providing a streetlight between the property and the road. On-street parking on Downesway is limited due to the narrow carriageway, curve in the road and the turning head. It is accessed from Constitution Hill where there is some on-street parking, limited by existing dropped kerbs and some areas of resident permit parking.
8. The garage has been demolished so it does not count towards existing parking provision on the site. Although the Council states that it could have accommodated a small car, its internal dimensions fell significantly short of the minimum size required in the Essex County Council Parking Standards 2009 (the parking standards). Therefore, even if the garage was still on site, it would not be sufficient to provide a parking space in accordance with the parking standards. I have limited information on whether the existing hardstanding meets the required dimensions for a parking space. Therefore, the site currently accommodates a maximum of one parking space.
9. The proposed development would increase the size of the dwelling, including the creation of a third bedroom. The parking standards require a minimum of two parking spaces to be provided for dwellings with two or more bedrooms and the proposal complies with this by providing two spaces in front of the property. Although these would be close to the dwelling and boundaries, the spaces would each meet the 5.5m x 2.9m preferred minimum bay size required by the parking standards. As the spaces would exceed the minimum bay sizes of 5m x 2.5m set out in the parking standards, there would be sufficient circulation space around parked vehicles for pedestrians to access the dwelling.

10. There is an existing crossover on the corner of the turning head, but this is not sufficiently wide to provide access to both proposed parking spaces. With the lamp post having been repositioned and given the size of the turning head, although tight, it would be possible to manoeuvre vehicles into the spaces if the crossover is extended and I have imposed a condition to this effect. The spaces would be sufficiently safe and convenient and there would be adequate pedestrian access to the dwelling. As such, it would not result in the displacement of parked vehicles onto the highway.
11. As the proposed development would provide sufficient parking, it is not necessary to consider whether access to local services and local on-street parking availability would justify a reduction in the amount of parking provision on the site.
12. Overall, I conclude that the proposed development would not harm highway safety and the free flow of traffic. It would comply with saved Policy T8 of the Council's Local Plan 1998 where it sets out that the car parking standards published by the Essex County Council will apply. It would also accord with the Council's Residential Design Guidance Supplementary Planning Document 2013 (the SPD) where it requires parking spaces to be conveniently located. In addition, it would comply with the National Planning Policy Framework (the Framework) where it sets out provisions for local parking standards and requires the creation of accessible places.

Other Matters

13. The parties agree that the proposal is acceptable under guidance RDG2, RDG3, RDG5, RDG6, RDG7 and RDG8 of the SPD and would have a limited impact upon the street scene. Therefore, these are only neutral factors in the planning balance.

Conditions

14. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents.
15. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty. A condition relating to the external surfaces of the extension (3) is necessary to protect the character and appearance of the area. I have imposed conditions relating to the extension of the vehicular crossover which reflects the repositioning of the lamp post (4) and space to be laid out for parking (5) to ensure no prejudice to highway safety.
16. I have not imposed the Council's suggested condition on the removal of the lamp post as this has already been repositioned and is not necessary in light of the above.

Conclusion

17. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed and planning permission is granted.

A Wright BSc (Hons) MRTPI

INSPECTOR