

Appeal Decision

Site visit made on 21 September 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2023

Appeal Ref: APP/W1525/D/23/3326976

4 Centenary Way, Chelmsford CM1 6DJ

- 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 Ian Camfield against the decision of Chelmsford City Council.
- The application Ref 23/00704/FUL, dated 21 April 2023, was refused by notice dated 12 June 2023.
- The development proposed is partial conversion of existing garage into habitable space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant indicates that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.

Main Issues

3. The main issues are the effect of the proposal on parking and highway safety; and the effect on the character and appearance of the appeal site and surrounding area.

Reasons

4. Centenary Way is a residential road located within Beaulieu, a major development in the north-west of Chelmsford. The road 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. Parking is provided by tandem garages running the full depth of each property, as well as on the driveway. The proposal involves the partial conversion of No 4's garage to provide an enlarged kitchen/dining room.

Parking and Highway Safety

5. 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), or as subsequently amended, 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.
6. The appeal property has four 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.
 7. 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.
 8. The appellant contends that approval of reserved matters for the development phase that included the appeal property, established that two spaces would be required at the property. A number of plans related to the reserved matters approval are provided in support of this contention. While I have had regard to these, any evidence they might provide to support the argument that two spaces is the appropriate provision needs to be balanced with other factors. In particular, the layout of the appeal property as built is the same as that for other three storey four bedroom properties in the surrounding area. This includes two internal parking spaces and a driveway, which from the evidence of neighbouring properties at the inspection are clearly used for parking.
 9. Moreover, the Council approved the reserved matters and takes the view that three spaces are required. I am also mindful that without greater certainty to establish that the appeal property departs from the usual standard of three spaces for this size of property within the Beaulieu development as a whole, to accept that two spaces are required could set an unfortunate precedent. This could serve to undermine the planned design and functioning of the wider development.
 10. This planned design also includes measures for sustainable transport, which would have been taken into account in developing the planned parking strategy. As such, it would not be appropriate to accept a reduction in parking spaces at the appeal property because of these transport measures. For these reasons, therefore, I accept the Council's view that three spaces should be provided.
 11. The proposed partial conversion of the internal parking area would result in two spaces of the requisite size, one inside the property and one on the driveway. The appellant contends that a further space has been created on the front garden, whereby a vehicle could park on the grassed area. However, this would be below the minimum standard size for a parking space and there would be challenges to its practical use. The appellant's submitted photographs show that it is necessary for a vehicle to cross the driveway to

¹ Outline planning permission ref 09/01314/EIA.

gain access to the space, which is not conducive to both external spaces being used at the same time.

12. The proposal would, therefore, result in two useable spaces, which is highly likely to result in long-term demand for on-street parking. Centenary Way includes parking restrictions on both sides and, as such, parking would be displaced to nearby streets where no controls exist, such as John Eve Avenue. This is likely to result in material harm to highway safety through conflict between users of the shared spaces that exist across the surrounding area.
13. 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 (the Framework), with regard to the effects of development on highway safety and minimising the scope for conflict between pedestrians, cyclists and vehicles.²
14. In reaching this conclusion, I have had regard to the representation made by Chelmsford Garden Community Parish, which concerns matters relating to this main issue.

Character and Appearance

15. The additional space created to the front comprises a grass grid over a permeable base, with a planted bed to part of the front boundary and along the side boundary. Therefore, while the original planting appears largely to have been replaced, the frontage area does include some soft landscaping, which contributes positively to the character and appearance of the street scene.
16. However, the use of this space for parking would compromise the appearance of the green area both in its own right and by comparison with other planted areas to the front of nearby properties, with parked vehicles being the dominant feature to the front of the property. Furthermore, given the constraints of the grassed area as a parking space, it is likely that over time the use of the area will result in damage to and deterioration of the planted areas. As such, the use of the space for parking would be harmful.
17. The appellant contends that the parking space would only be used occasionally and that similar parking on garden areas is likely to take place at other nearby properties. These are not sufficient reasons, however, to overcome the harm found above, which would result from the undermining of an important objective of the wider development, to provide and retain landscaped areas to the front of residential properties.
18. Therefore, for these reasons, I conclude that the proposal would result in an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. As such, it is contrary to Policy DM23 of the Chelmsford Local Plan, which concerns the effects of development on the character and appearance of the area, including landscape. It is also contrary to the Framework, which promotes well-designed places. Policy DM17 of the Local Plan appears to be less directly relevant as it concerns 'natural' landscape features.

² Paragraphs 111 and 112.

Conclusion

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

J Bell-Williamson

INSPECTOR