



Appeal Decisions

Site visit made on 15 November 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/M1520/W/22/3311660

Oak Court, Rayleigh Road, Thundersley, Benfleet, Essex SS7 3YS

- 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 and Mrs Choppen against the decision of Castle Point Borough Council.
 - The application Ref 22/0311/FUL, dated 20 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is formation of 6no. off street car parking spaces for residential use and erection of boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This application is made in support of a separate application for prior approval Ref 22/0312/CPA, for the creation of 3 dwellings. The prior approval application was also refused by the Council and the appeal in respect of this, is also before me.
3. Since the Council determined the application, an updated version of the National Planning Policy Framework, December 2023 ('the Framework') has been issued. I have consulted the main parties on this and had regard to any representations received.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the host property and area, and the satisfactory functioning of the development.

Reasons

Character and appearance

5. The appeal property ('Oak Court') comprises a detached, three-storey building incorporating flats. To the north of this building is a vehicular access which leads to parking areas located to the side and rear of the building. Therefore, the existing parking for Oak Court is not particularly dominant.
6. Because Oak Court is set further back from the highway relative to nearby buildings, this benefits from a generous frontage. At present with the exception of pedestrian paths, this area is laid to lawn and partially enclosed by low boundary treatments. Consequently, this frontage provides an open and

verdant setting to the building, which also complements the woodland back drop to Oak Court.

7. The wider street scene comprises a range of buildings in residential use. The frontages of these buildings are also varied and some of the individual dwellinghouses incorporate boundary treatments and informal and limited frontage parking. However, nearby there are other 3 storey flatted developments which benefit from lawned frontages, similar to Oak Court. As such, Oak Court along with other nearby similar developments forms part of a cohesive street scene.
8. As a consequence of the proposal, the existing frontage would largely be hard surfaced to provide a vehicular access onto this area, the provision of 6 parking spaces and turning areas. This would erode the pleasant setting of the building. Furthermore, the openness of this frontage would be undermined by the new solid wall, which would also to an extent screen the proposed landscaping.
9. Although planting is indicated between the building and parking spaces and behind the wall, the space provided for such planting is limited and is unlikely to provide a meaningful degree of visual screening for the vehicle parking.
10. Therefore, the provision of a solid boundary treatment, new vehicular access and the creation of an appreciable formal parking area, would be visually intrusive, dominant and out of character in the context of Oak Court and the wider street scene.
11. As such, the proposal would harm the character and appearance of the area. This would be contrary to Policy EC2 of the New Castle Point Local Plan 2018-2033, March 2022. This Policy requires a high standard of design in relation to new buildings and extensions and alterations to existing buildings. This includes the appearance and treatment of spaces around buildings which are to be enhanced by appropriate hard and soft landscaping.

Functioning of the development

12. The Council has adopted the Essex Parking Standards 2009, these require a parking bay size of 2.9m x 5.5m, with a 6.0m separation distance between bays to allow for manoeuvring in and out of spaces. These parking standards also make provision for a smaller space of 2.5m x 5.0m, which should be used in exceptional circumstances.
13. The appeal scheme proposes parking bays of about 2.4m x 5.1m, with a 6.0m separation, whilst these parking bay sizes may be larger than the bay size required in the London Plan, the Council does not apply this standard. As such, the proposed car parking spaces are not of the required size. The appellant suggests that the width of the spaces could be made slightly wider, if required, via a planning condition. However, cumulatively this would have an erosive effect on the proposed landscaping and the character and appearance of the area.
14. The appellants suggest that the proposed car parking spaces will be used primarily by residents, who will become familiar with the size of the parking bays. However, this is not sufficient justification for allowing parking spaces that do not meet the required standards. In any event, there is nothing to suggest that the proposed car parking spaces would not also be used by visitors.

15. As such, the proposed parking bays because of their limited sizes, would not be easy or convenient to use and this would potentially deter their use, leading to a poorly functioning development.
16. Therefore, the proposal would be contrary to the council's Residential Design Guidance. In particular, criteria RDG12 which says that access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them. The size and layout of all forms of parking should reflect current adopted vehicle parking standards.

Other Matters

17. I have had regard to the prior approval scheme which this proposal is intended to support. However, as I have found the prior approval scheme to be unacceptable for the reasons given in my separate appeal Decision, the proposed scheme for the creation of 3 dwellings, carries no weight in support of this car parking proposal.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR