



Appeal Decision

Site visit made on 30 January 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/C1570/W/23/3323360

37 Old Bell Close, Stansted, Essex, CM24 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark Robinson against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3128/FUL, dated 16 November 2022, was refused by notice dated 16 January 2023.
 - The application sought planning permission for erection of 15 no. detached houses, with associated roads, footpaths and garages without complying with a condition attached to planning permission Ref UTT/1045/01/FUL, dated 01 October 2001.
 - The condition in dispute is No C.6.7 which states that: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no garage shall be converted to another use unless 3 car parking spaces are provided within the site and remain available for car parking purposes.*
 - The reason given for the condition is: *To ensure that the Council's car parking standards are maintained in the interests of highway safety.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Background and Main Issue

3. Planning permission was granted in October 2001 for 15 dwellings with garages on Old Bell Close. All 15 dwellings and garages have since been erected at the site and, from my observations, the dwellings are occupied. The appellant occupies 37 Old Bell Close. However, it is clear from the evidence that permission is sought to remove condition C.6.7 from the planning permission and, thereby, to restore permitted development rights for the conversion of garages for all 15 dwellings without the need to provide three parking spaces.
4. The main issue is the effect of removing condition C.6.7 on the safety of pedestrians, cyclists and vehicle users using Old Bell Close, with particular regard to on-street parking.

Reasons

5. The appeal site comprises part of Old Bell Close. The road provides access to dwellings on Old Bell Close, whilst also connecting Stoney Common Road with the B1383 Silver Street. Old Bell Close has a curved layout, comprising two tight bends. Consequently, visibility in some places is restricted. There are no parking restrictions on the road. However, opportunities for on-street parking are limited given the presence of multiple crossover points to driveways. The street carries two lanes of traffic, but the carriageway width is reasonably narrow. Therefore, due to the combined effect of its width and alignment, where cars are parked on-street, some are parked across footways to enable space for moving traffic to pass safely.
6. The Parking Standards Design and Good Practice Guidance (2009) (Essex Parking Standards) sets out the minimum, rather than maximum, standards that are expected for dwellings throughout Essex. The Essex Parking Standards require a minimum of two car parking spaces for dwellings with two or more bedrooms. The Uttlesford Local Residential Parking Standards (2013) (Uttlesford Parking Standards), which is supplementary to the Essex Parking Standards, requires four-bedroom dwellings in Uttlesford to provide a minimum of three parking spaces.
7. There are 15 dwellings within the site area which, based on the evidence, are all four-bedroom properties. The parties' views are not aligned as to the quantity of on-plot car parking spaces that are currently provided at each dwelling. However, from my own observations, each dwelling has two on-plot car parking spaces as well as either a single or double garage. In the absence of any substantive evidence to indicate that the garages could not feasibly be used for parking vehicles, I have considered them as car parking spaces. Consequently, each of the 15 dwellings currently provides a minimum of three car parking spaces, in accordance with the Uttlesford Parking Standards and the Essex Parking Standards.
8. Condition C.6.7 is imposed to retain the garages for car parking, in the interests of highway safety. The evidence indicates that not all of the garages are currently used for parking. However, car ownership levels change over time and, therefore, the garages may be required for car parking at any time in the future. Consequently, the removal of the condition could result in around 15 additional cars being parked on-street.
9. There are limited opportunities for on-street parking on Old Bell Close without obstructing access to driveways, or restricting visibility on tight corners. Therefore, it is likely that the additional demand for on-street parking space would exacerbate unsafe parking practices, including parking across footways. This would inconvenience pedestrians and impede their safe passage along footpaths. Furthermore, due to the alignment of the road and its relatively narrow width, the increase in on-street parking would lead to a deterioration in visibility for all road users, including cyclists and vehicle users, to the detriment of highway safety.
10. I have had regard to the presence of some kerbside space along the straighter section of road, near to the junction with Stoney Common Road. However, whilst some vehicles could feasibly be parked here without compromising highway safety, there is not sufficient space to meet the needs of all 15 dwellings. Moreover, if residents were to routinely park their vehicles on-street,

it would remove opportunities for visitors to park on Old Bell Close, which could increase parking pressure in neighbouring areas.

11. Stansted Mountfitchet offers a variety of services and facilities for its residents, many of which are easily accessible from the site. The site is also well-connected by both bus and rail. However, the availability of sustainable travel modes does not necessarily correspond with car ownership levels. Therefore, even if the occupants of the dwellings choose to travel by sustainable modes on a regular basis, it is likely there would still be a demand for car parking spaces at the dwellings.
12. Based on the evidence before me, I am not persuaded that the use of the garages for car parking is no longer required in the interests of preventing unsafe parking practices on-street. Consequently, the condition remains necessary and reasonable in the interests of highway safety.
13. I conclude that the removal of condition C.6.7 would cause unacceptable harm to the safety of pedestrians, cyclists and vehicle users using Old Bell Close, with particular regard to on-street parking. It would therefore be contrary to Policy GEN1 of the Uttlesford Local Plan (2005) insofar as it requires development to ensure it does not compromise road safety and takes account of the needs of all road users.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR