



Appeal Decision

Site visit made on 15 February 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Z3825/D/23/3335029

13 Nelson Road, Horsham, West Sussex RH12 2JE

- 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 Mrs P Bhuvanandran against the decision of Horsham District Council.
 - The application Ref: DC/23/0324 dated 21 February 2023, was refused by notice dated 10 November 2023.
 - The development proposed is conversion of an existing garage into habitable accommodation and the creation of a new parking space at the back of the garden.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing garage into habitable accommodation and the creation of a new parking space at the back of the garden in accordance with the terms of the application, Ref: DC/23/0324 dated 21 February 2023, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PLN01; PLN02; PLN03; PLN06C; PLN07A and PLN08.

Preliminary Matters

2. At the time of my site visit, the external works to convert the garage into habitable space appeared to have been undertaken, but not the removal of the fence panel and the creation of the new parking space at the rear of the property. As the development for which planning permission has been sought has not been completed, I am required to consider the application as proposed works on the basis of the submitted plans. The Council raised no objection in terms of the effect on the character and appearance of the property and of the local area and as a result of the material before me as well as my site visit, I have no reason to take a different view.

3. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on on-street parking capacity and the resultant effect on the amenities of local residents.

Reasons

5. The appeal property is an end of terrace property fronting Nelson Road with a side return to Milton Road, a no-through road, within a predominantly residential area. As built, the appeal property and neighbouring properties include a garage to the front. A condition was imposed to require the garages and car parking spaces to be reserved solely for parking purposes, and as a result planning permission is required for the works to convert the garage space to habitable space.
6. The proposal would convert the existing garage into a habitable room and create an off-street parking space at the rear, with access off Milton Road. This would necessitate the removal of part of the existing boundary fence along the Milton Road side return and two trees within the garden of the appeal property.
7. There was clear evidence of extensive on-street parking at the time of my site visit and this is also acknowledged by both the Appellant as well as the Council and local residents. However, information has been presented by the Appellant which indicates that the existing garage is too narrow to allow a modern car to be parked and that the garage has not therefore been used for parking. I have no compelling information before me to counter this view. As a result, the Appellant has needed to park on the road, even with the garage in place. It may also be that the presence of the garage has deterred other road users from parking in front of the garage for concern regarding the blocking an access.
8. It is my view that the removal of the existing garage would have a neutral impact if not marginal improvement on the existing on-street parking situation in the local area as the removal of the garage at the front would open up the opportunity for parking at the front of the house on Nelson Road.
9. In respect of the proposed parking space to be created, I consider that this would also have a neutral effect on the existing parking situation. The off-street parking proposal would create a parking space but the opportunity to park on Milton Road directly outside the new access point would be lost. I have noted the concerns of local residents about the number of parking spaces to be lost in Milton Road, but the plans show that it would be a relatively narrow part of the kerbside where the ability to park would need be restricted, directly outside the off-street parking space.
10. There is no evidence before me to suggest that the provision of the off -street parking space at the rear would create a traffic hazard. Given the residential nature of Milton Road and it being a no-through road, I do not consider that

the proposal would lead to any concerns in respect of highway or pedestrian safety. The Council did not raise highway or pedestrian safety as a reason for refusal.

11. I am therefore satisfied that the proposal would not materially affect the on-street parking capacity within the local area and would therefore not harm the amenities of local residents. There would be no conflict with Policies 33 and 41 of the Horsham District Planning Framework, and the Framework with particular reference to paragraph 135f), all of which amongst other matters seek to ensure adequate parking and to protect the amenities of existing and future occupiers.

Conditions

12. In terms of conditions, materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.
13. The creation of the parking space at the rear would require formal approval from the highway authority to carry out site access works on the public highway. This is a separate process under different legislation and regulations.

Conclusion

14. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR