



Appeal Decision

Site visit made on 11 March 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 21ST March 2024

Appeal Ref: APP/J0405/D/23/3333407

2 Webster Road Aylesbury Buckinghamshire HP21 7FJ

- 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 Maureen Astrid Fernando against the decision of Buckinghamshire Council.
 - The application Ref: 23/02317/APP dated 5 September 2023 was refused by notice dated 31 October 2023.
 - The development sought to be approved is garage conversion to ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion to ancillary accommodation at 12 King Alfred Way at 2 Webster Road Aylesbury Buckinghamshire HP21 7FJ in accordance with the terms of the application Ref: 23/02317/APP dated 5 September 2023 and the drawing submitted with it 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 plan: JF002.

Preliminary Matters

2. The application form has no date and therefore the date of validation by the Council has been used. The description of development includes the note 'retrospective'. As the use of an ancillary building within the demise of a dwellinghouse for purposes incidental to the occupation of that dwellinghouse (such as a home office as is stated in this case) does not constitute a change of use¹ it is only the works to that building which materially change the external appearance that require permission in this case. At the time of my visit there was no indication that such works had been carried out as the garage doors were in place and therefore I have determined this appeal on the basis that the works as indicated on the submitted plan are 'proposed'.

Main Issue

3. The main issue is the effect of the proposal upon the provision of safe and suitable access to No.2 Webster Road and neighbouring properties.

¹ Section 55 of the Town and Country Planning Act 1990

Reasons

4. No.2 Webster Road (No.2) is a detached two-storey family house within an estate of similar properties dating from the last quarter of the twentieth century. Houses are generally provided with private garden areas, grassed but unenclosed foregardens and private garages. Within the immediate locality access to dwellings is provided by curving estate roads with paved footways, and off these roads are a number of short cul-de-sac, including Young Close which passes the side of No.2 and from which the garage which is the subject of this application is accessed.
5. The Council indicate that they have refused this application because the *'applicant is not able to provide space within the site for parking and manoeuvring'*; and that the proposal would displace parking onto the highway and cause unsafe reversing movements. Notwithstanding that the locality is a calm suburban environment where risk of collision with other users of the highway is low due to good standards of visibility and low vehicle speeds, it has not been shown that the loss of garage space to another use incidental to the occupation of No.2 conflicts with any provision of the original planning permission for the housing development.
6. The Council state², rather confusingly, that the number of parking spaces would not be deficient as a result of the proposed development but then also go on to say that the *'host dwelling is a 4 bedroom property and the proposal increases the number of habitable rooms for the dwelling from 4 to 5 and reduces the available parking for the dwelling by one space'*. Notwithstanding that those numbers cannot be correct, the appellant has explained that what is proposed is intended as a home office or study; this is unlikely to increase the dwelling occupancy.
7. What is proposed would not change the current situation in that, at the time of my visit, there were two cars parked in front of the garage and one of those slightly overlapped the pavement. However, users of the pavement would have to cross the road in any event as it terminates at that point; further, reversing onto the nearby driving surface was implicit in the original, presumably approved, site layout which lacked *'space within the site for parking and manoeuvring'*.
8. Other evidence absent, my overriding conclusion is that the proposal would not change the circumstances of use which arise from the original development. Further, my observations of the site and surrounding circumstances are that what is proposed would not be the cause of an unsafe manoeuvre, nor would there be an impact on highway safety from additional on-road parking of one or two vehicles from time to time.
9. I conclude that the proposed works would not have any discernible impact on the use of the local road or upon highway safety and on that basis, there is no conflict with the provisions of the development plan such that the appeal should succeed subject to the usual plans and timing conditions.

Andrew Boughton

INSPECTOR

² Officer report under 'Highways and Parking'