



Appeal Decision

Site visit made on 24 September 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/W1525/D/24/3345183

**16 Linge Avenue, Chelmsford Garden Community, Chelmsford, Essex,
CM1 6BY**

- 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 Zaid Zubair against the decision of Chelmsford City Council.
 - The application reference is 24/00072/FUL.
 - The development proposed is retrospective application for the conversion of the garage and approval of internal layout changes and new window.
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Decision

1. The appeal is allowed, and planning permission is granted for retrospective application for the conversion of the garage and approval of internal layout changes and new window at 16 Linge Avenue, Chelmsford Garden Community, Chelmsford, Essex, CM1 6BY Ref: 24/00072/FUL and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location and block plans (13556 01), elevations as proposed (13556 05), floor plans (13556 04) and proposed block plan (13556 06).

Procedural Matters

2. I have utilised the Council's description of the proposal as I feel it describes the proposal more concisely.

Main Issue

3. The main issue is the impact of the proposal upon highway safety.

Reasons

4. The appeal site is a two storey, detached, dwelling located within the Chelmsford Urban Area. The proposal seeks permission for the continued use of the garage as a gym and home office with parking being to the front of the property on hardstanding that already exists. In relation to the proposals there are no physical changes proposed other than to the fenestration of the host dwelling as a requirement for a small window to be inserted in the side elevation. Parking would, as confirmed by the Council, be on hardstanding that already exists and which I saw in place at the time of my site visit.
5. The Council's refusal reason is, ultimately, based upon concerns as to highway safety as a result of the proposed parking space, to the side of the garage, being stated to be unsuitable for day to day use as a result of its location which

is considered to be constrained due to the adjacent wall and the property boundary. Given the constraints of the space the Council consider that occupiers and visitors are not likely to use it and the result of this is considered that cars would either overhang the bridleway or be parked on the street with the impacts being detrimental to the general safety of all highway users, adding pressure on the road networks, and leading to increased conflict with pedestrians and other vehicles.

6. Essex County Council Highways, as a consultee, have objected to the proposal on the basis that Beaulieu Park Development has its own parking standard and three off street parking spaces should be provided in accordance with the adopted parking standards. I note, however, that the Council's delegated report outlines that the adopted parking standards indicate that a property of this size can be served by two spaces, but that this is a minimum and that consideration must be made for the siting of the proposal and its cumulative effects.
7. It is stated that the proposed parking space, to the side of the garage, does not wholly meet the required standard. The proposed parking space, to the side of the garage, would provide just over the minimum required size of 5.15 metres by 2.59 metres. It is stated, however, to not take into account the constraints of the adjacent wall and the property boundary with the adopted parking standards recommending that parking bays located between structures are provided with an increased width of a metre to allow for manoeuvrability and entry/exit from the vehicle.
8. Chelmsford Local Plan 2020 (LP) Policy DM27 (Parking Standards) requires decision makers to have regard to the parking standards set out, however, the policy also outlines that proposals which provide below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard. The proposed parking space would not be at the expense of any existing landscaped area and, ultimately, the proposal would result in a space that would be just over the minimum allowed size. I note the recommendation that parking bays in such locations should have an increased width to allow for manoeuvrability and entry/exit, however, this is ultimately a recommendation.
9. The proposal meets the requirement for two spaces, a third space which meets minimum standards (notwithstanding the recommendation for an additional metre) can be provided to the side of the garage (which is then consistent with Beaulieu standards) and, in addition, the impact to on-street parking is controlled via permits (permit holders only Monday to Friday 8-10am and 2-4pm according to signage noted during site visit) which the appeal site is also stated to benefit from.
10. I find that the appeal site can, reasonably, accommodate three parking spaces as shown on the submitted plans and I do not find that the proposal would be highly likely to result in on street parking contrary to the objective of avoiding conflict between users of the shared space as a result of application of off-street parking standards. The proposal would, ultimately, comply with the required standard of three spaces for this type of property within the Beaulieu Development as a whole and I do not find that, in this case, this would necessarily set a precedent due to the characteristics of the dwelling in

question and the available space, nor would the proposal, for example, result in a loss of landscaping to accommodate the required parking spaces.

11. At the time of my site visit, I noted signage relating to resident permit parking and, whilst my visit is only a snapshot in time, I did not find or note that there was any particular pressure for on street parking within the vicinity of the appeal site. As a result of this, based upon the evidence before me, I find that any minor displacement of vehicles could likely be accommodated on street, due to the possession of car parking permits. Any obstruction as to the bridleway as a result of cars parking at the site would also be the subject of enforcement under separate legislation, as a public right of way, which would be separate to the planning system. Overall, however, taking into account the space available, and the provision of on street parking permits, I am satisfied that considering the proposal in the round there would not be detrimental effect to the general safety of highway users adding pressure on the road networks and leading to increased conflicts with pedestrians and other vehicles.
12. There may, at some point, be a cumulative effect of proposals of this nature which needs to be taken into account in considering on street parking, however, I have no evidence before me to consider that such proposals have, cumulatively, reached the point that they may be a material consideration and notwithstanding this, given the parking restrictions on the surrounding roads, and the requirement for parking permits, this does to an extent, control pressure on the road networks as appropriate.
13. The physical form of the appeal site, which is able to accommodate a space consistent with parking standards, combined with on-street car parking capacity allocated as a result of parking permits means that I find that the appeal cannot be reasonably dismissed. The site characteristics in this case are the determining factors supporting that the appeal should be allowed and that the efficient function of the highway network would be safeguarded.
14. The proposal would be consistent with LP Policy DM27 which requires decision makers to have regard to the parking standards set out, however, also outlines that proposals which provide below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard. For the reasons set out above, based upon the local circumstances, I am satisfied that there is justification for deviation from the standard stated by the Highway Authority.

Conditions

15. The Councils questionnaire suggests conditions that should be applied in the event this appeal is allowed, which I have considered. A time condition, requiring commencement within three years, cannot be applied to the proposal given that the submissions from both parties (and the development description) confirm that the proposal is submitted on a retrospective basis (based upon continued use of the garage as a gym and home office). The development has, therefore, commenced. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
16. The Council has also suggested further conditions which relate to details of materials to be used in the construction of additional hardstanding, requiring this to be available within six months as well as soft landscaping works. The

Council's delegated report confirms that the parking would be to the front of the property on the hardstanding that already exists and indeed hardstanding and landscaping as per the submitted plans was already present, including to the side of the garage, at the time of my site visit. On this basis I do not find that the conditions suggested are necessary or reasonable in accordance with the tests set out within the National Planning Policy Framework 2023.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR