



Appeal Decision

Site visit made on 28 October 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/C1570/W/24/3340285

67 Annexe, Baynard Avenue, Flitch Green, Essex CM6 3FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Robyn Marshall against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/3002/FUL.
 - The development proposed is described as 'change of use from ancillary residential accommodation to separate residential dwelling retrospective'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the change of use started on the 23rd July 2021. During my visit, I noted that the building was occupied as a separate residential dwelling. The appeal is therefore determined on the basis that the development has already taken place.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions for occupants, with particular reference to private garden space; and;
 - parking.

Reasons

Character and appearance

4. The appeal site contains a garage associated with 67 Baynard Avenue. It sits between numbers 67 and 69 to the rear of the properties. The garage is accessed from a gate providing access to the rear garden of the main dwelling.
5. Built form locally is defined by detached and link detached properties fronting the highway with single storey garages behind and between dwellings. Properties tend to be forward of the plot facing the highway, with modest sized private gardens extending to the rear. The layout of the houses results in a sense of cohesion and provides a pleasing suburban character, typical of a planned residential estate.

6. The use of the garage as a separate residential dwelling results in a cramped arrangement at odds with the prevailing pattern of built form in the vicinity. The awkward nature of the development is accentuated by the dwelling having no private amenity space and no road frontage.
7. Whilst no physical alterations to the external structure are required and no new built form is proposed, the change of use from an ancillary use to a separate dwelling is materially different. This is because an ancillary use would operate as an integral part of 67 Baynard Avenue and would maintain the typical domestic, subservient character of an outbuilding within a rear garden. In contrast, a separate dwelling would result in the subdivision and over intensification of the existing plot, and a new, standalone home within an inherently contrived location. The incongruous nature of the development is emphasised by it being accessed from the rear garden of 67 Baynard Avenue and its primary access overlooking the main dwellings private rear garden.
8. For the reasons identified above, I conclude that the development unacceptably effects the character and appearance of the area. It is therefore contrary to GEN2 of the Uttlesford Local Plan 2005 (ULP) which requires development to be compatible with the form and layout of surrounding buildings.

Living Conditions

9. The Essex Design Guide (2018) suggests a private amenity space of 50m² for one- or two-bedroom properties. It also recognises that the requirements for private amenity space for smaller dwellings would be less. The scheme does not propose private amenity space for the dwelling.
10. Whilst the guidance in the Essex Design Guide is not intended to be arbitrarily applied, its intention to provide properties with useable private amenity space is reasonable. The design guide does not advocate no private amenity space and in this case, the need for a private outdoor area to provide acceptable living conditions is amplified by the small nature of the unit.
11. Whilst the site is within walking distance of public open space which could provide opportunities for informal recreation, such areas would not be suitable for basic activities such as sitting out or drying laundry.
12. For the reasons identified above, I conclude that the development has an unacceptable effect on the living conditions of occupiers, with particular reference to private garden space. It is therefore contrary to GEN2 of the ULP and the Essex Design Guide, insofar as they require development to provide private outdoor amenity space and an environment which meets the reasonable needs of all potential users.

Parking

13. Policy GEN8 of the ULP details that development will not be permitted unless the number, design and layout of vehicle parking spaces accords with the parking standards within Annex 1. These standards require one parking space for a one-bedroom dwelling. This requirement is reiterated within the Uttlesford Local Residential Parking Standards 2013 (ULRPS) and the 'Parking Standards Design and Good Practice Guide' (PSDAGPG) produced by Essex County Council and dated 2009.

14. The development does not propose any dedicated parking within the site and as such it fails to comply with the above standard. Whilst reference is made to the development being able to provide one cycle parking space immediately adjacent to the building, this is not shown on the drawings and the provision of a cycle store would not overcome the failure to provide a parking space.
15. The appellant considers that there is no need for the development to provide parking due to the facilities within walking distance and transport options available. Reference is also made to parking being available on the public highway. However, the ULRPS advises that spaces for parking should be "on plot" within the curtilage of the dwelling. Off street parking would fail to comply with this requirement and the aim of the guidance for cars to have safe and secure parking that can be seen by owners.
16. Despite being in an urban location and in close proximity to a local supermarket and other facilities, this would not prevent occupiers from owning a car. This is demonstrated in third party representations, which refer to a parking issue arising from the current occupier parking a vehicle in front of the house, in addition to visitors requiring additional parking.
17. Reference is made to the ULRPS applying to residential development comprising four or more bedrooms, but the guidance is clear this requirement should be read in addition to the PSDAGPG which requires one parking space for a one-bedroom dwelling.
18. For the reasons identified above, I conclude that the development fails to comply with Policy GEN8 of the ULP, the ULRPS and the PSDAGPG. This policy and associated guidance seeks to ensure that development provides appropriate parking.

Planning Balance and Conclusion

19. The development would cause material harm to the character and appearance of the area, has an unacceptable effect on the living conditions of occupiers, with reference to private garden space and fails to comply with the adopted parking standards. These harms bring the development into conflict with the development plan read as a whole. Substantial weight is afforded to this conflict.
20. The development provides one dwelling in the Borough. This would make a small but useful contribution as indicated by paragraph 70 of the Framework, particularly given that the Council concedes it is unable to demonstrate a five-year supply of deliverable housing sites. Furthermore, the Council's latest Housing Delivery Test Results show that only 58 percent of the homes required were delivered in the test period and the current five-year housing land supply is 4.5 years. However, due to the small scale of the development, this benefit would be limited.
21. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

22. Whilst the appeal proposal would create one additional property with associated social, economic and environmental benefits, given the quantum of development these benefits would be limited. These benefits of the scheme weigh in favour of the development and are afforded moderate weight.
23. It is noted that the Council consider the principle of the development acceptable. However, the absence of harm is a neutral factor and does not weigh in favour of the proposal.
24. Taking all of the above into account, I consider that the harm identified in relation to the character and appearance of the area, living conditions of occupiers, with reference to private garden space and parking, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Consequently, the Framework does not indicate in favour of the proposal.
25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR