
Appeal Decision

Site visit made on 28 August 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Appeal Ref: APP/C1760/D/18/3205051

2 Freemantle Road, Romsey SO51 0AX

- 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 & Mrs S Murphy against the decision of Test Valley Borough Council.
 - The application, Ref. 18/00687/FULLS, dated 12 March 2018, was refused by notice dated 26 April 2018.
 - The development proposed is a 2.5 storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a 2.5 storey side extension at 2 Freemantle Road, Romsey in accordance with the terms of the application, Ref. 18/00687/FULLS, dated 12 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series 428/; Plan Nos. 01; 02; 03; 04 Revision 'a' dated 10 April 2018;
 - 3) 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.

Main Issue

2. The main issue is whether there would be adequate parking provision for the dwelling with the construction of the proposed side extension.

Reasons

3. The Council, on the advice of a member of its Engineering and Transport Team, considers that because the proposed study shown on the first floor as part of the re-configuration of living space in conjunction with the proposed extension appears to be capable of accommodating a bed it should be regarded as a fourth bedroom for the purposes of the car parking calculations.
 4. Under Policy T2 and Annex G of the Test Valley Borough Revised Local Plan 2016 this would necessitate the provision of three parking spaces instead of the
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two currently provided in the form of the garage and tandem parking space to its front.

5. However, the plans as first submitted with the application showed a study before the application was even appraised by the officers. The approach adopted by the Council is tantamount to a preclusion of this reasonable (and arguably in this day and age essential) facility in the absence of an extra parking space on the sole basis that it would be large enough to be used as a bedroom. In my view, unless there is clear evidence to the contrary, an application should be dealt with on the basis of its description and the information actually provided rather than supposition.
6. Following the issue being raised I consider it entirely reasonable for the appellants to amend the plans to show the study as being smaller so as to avoid the scheme being refused for the spurious reason of an under-provision of parking. And as the grounds of appeal point out, the amended floor area of 5.5sqm would be below the minimum 7.5sqm stipulated in the Government's Nationally Described Space Standards 2015.
7. A standard condition on a permission is for the development to be carried out in accordance with the approved plans for the avoidance of uncertainty and in the interests of proper planning. This will ensure that a room of a size appropriate to a study or home office is provided as part of the appeal scheme, but in any event it would almost certainly be outside the reasonable and practicable use of the Council's enforcement powers to prevent that room being used as a bedroom at some point in the future.
8. I therefore conclude that there would be adequate parking provision for the extended dwelling and no harmful conflict with the aforementioned Policy T2. I shall therefore allow the appeal. In addition to the plans condition I shall impose the standard matching external materials condition to secure a harmonious development to safeguard visual amenity.

Martin Andrews

INSPECTOR