

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Housing Appeals and Review Panel **Date:** Wednesday, 12 March 2008

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 2.30 - 3.30 pm

Members Present: Mrs P K Rush (Chairman), Mrs P Richardson, B Rolfe and J Wyatt

Other Councillors:

Apologies: Mrs R Gadsby (Vice-Chairman) and R D'Souza

Officers Present: A Hall (Director of Housing) and G Lunnun (Democratic Services Manager)

112. MINUTES

RESOLVED:

That the minutes of the meetings of the Panel held on 17 January and 29 January 2008 be taken as read and signed by the Chairman as a correct record.

113. SUBSTITUTE MEMBERS

It was noted that Councillor B Rolfe was substituting for Councillor Mrs R Gadsby.

114. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Code of Conduct for Members.

115. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

Agenda Item No:	Subject	Exempt Information Paragraph Numbers
6	Appeal No: 2/2008	1 and 2

116. APPEAL NO. 2/2008

The Panel considered an appeal against a decision made by officers under delegated authority to refuse permission for a vehicular crossover over existing parking spaces to enable the appellant to park a vehicle in a garage which she proposed to erect. The appellant attended the meeting to present her case. Mr N Taylor (Area Housing Manager) attended the meeting to present his case. Mr A Hall (Director of Housing) attended the meeting to advise the Panel as required on details of the national and local housing policies relative to the appeal. The Chairman introduced the members of the Panel and officers present to the appellant and outlined the procedure to be followed in order to ensure proper consideration was given to the appeal.

The Panel had before them the following documents which were taken into consideration:

- (a) copies of documents submitted by the appellant namely:
 - (i) the application to the Housing Appeals and Review Panel dated 21 November 2007;
 - (ii) nine photographs showing the appellant's property and the immediate locality;
- (b) the case of the Area Housing Manager;
- (c) copies of documents submitted by the Area Housing Manager, namely:
 - (i) the Council's leaflet "Off-Street Garden Parking - A Guide for Residents of Council Estates";
 - (ii) letter dated 12 July 2007 from the Area Housing Manager to the appellant's agent;
 - (iii) letter dated 15 October 2007 from the appellant's agent to the Assistant Head of Housing (Operations);
 - (iv) letter dated 13 November 2007 from the Assistant Head of Housing (Operations) to the appellant's agent;
 - (v) location plans showing the area as existing and without the bollards needing to be removed in order for the appellant to achieve the parking of a vehicle in the proposed garage.

The Panel considered the following submissions in support of the appellant's case:

- (a) the public parking area was only used by the appellant, her family and her next-door neighbour; during the six years that the appellant had resided at her property no-one else had used the public parking area apart from visitors;
- (b) the appellant permanently parked two cars outside of her property;
- (c) the provision of front garden access would free up parking space currently being used by the appellant;

- (d) the appellant's property was one of two semi-detached houses; to the rear were blocks of garages; to the front was the parking area and the rear gardens of old people's bungalows;
- (e) from an aesthetic perspective the provision of a garage in the curtilage of the appellant's property would be more in keeping with traditional values that were part of the charm of the estate;
- (f) the appellant's property was not closely surrounded by housing that either required or used the parking available; as a result there would be no actual loss of space to the general public as a result of the appellant's proposals;
- (g) the appellant's household had five vehicles and there was never any difficulty in parking those vehicles in the locality of the appellant's property; the only time that the parking area was busy was when parents dropped off their children for the school nearby.

The appellant answered the following questions of the Area Housing Manager and the Panel:-

- (a) One of the photographs you have produced shows several vehicles parked in the locality; does this not indicate there is a parking problem? -Several of the vehicles in the photograph belong to the appellant's family;
- (b) Have you submitted a planning application for a two storey side extension to your property incorporating a garage? – Yes
- (c) One of your vehicles is a commercial van; is it your proposal to park that vehicle within the curtilage of your property? – No. It is our intention to garage one of our cars;
- (d) Do you have access to any of the garages in the locality? – Yes, one of the garages to the rear of our property;
- (e) Can you clarify how many vehicles there are in your household? – There are five; my husband and I each have a convertible; my husband also has a classic car; we have one commercial van and my son has a car; we rent one garage and would like to get two vehicles off street or one vehicle off street and give up the garage;
- (f) If your proposal is accepted will you still have two or three cars parked on the road? – Yes;
- (g) If your proposal is agreed how many parking spaces will be lost? – One, but it is a space which only we currently use;
- (h) Does one of your photographs show a cable cabinet which would need to be removed in the event of your proposal being agreed? – No, that is a waste bin.

The Panel considered the following submissions of the Area Housing Manager:

- (a) the Council's policy and procedures for dealing with off-street parking requests have been revisited by officers and members on a number of occasions during the last 17 years; they had recently been revised again

having taken into account the difficult parking situation that existed on many estates across the district;

- (b) a leaflet was available for residents contemplating applying for a crossover over Council-owned land; this explained a number of conditions which had to be met before Housing Management could agree an application; one of the conditions stated that proposed crossovers must not lead to the loss of car parking spaces provided in lay-bys;
- (c) the appellant's application for a crossover was received on 1 July 2007; the appellant proposed to erect a two storey side extension to her property which included a garage; this would be accessed from the parking area close by; the application repeated one made in 2002 when it was understood the proposal was to park a motor vehicle in the garden; that application had been refused on 30 July 2002;
- (d) the current application had been refused on 12 July 2007; the reason for this decision was that the proposal would involve creating an access from the parking area nearby, which would lead to the loss of car parking spaces;
- (e) on 29 October 2007 an appeal had been lodged against that decision; the matter had been considered by the Assistant Head of Housing Services (Operations) who on 13 November 2007 had upheld the original decision; in his response the Assistant Head of Housing Services had stated that he had visited the site and had noted that a bollard would need to be removed and that the proposal would lead to a loss of parking spaces which were used on a first come, first serve basis;
- (f) the application did not meet all of the conditions that had to be met before permission for a crossover could be given; the parking area was available for any resident or visitor to park their vehicle and its loss would only exacerbate the problem of parking in the locality; there were no special circumstances in this case.

The Area Housing Manager answered the following question of the appellant :-

- (a) Do you accept that the previous application in 2002 was not made by me but by my husband's first wife? – Yes.

The Chairman asked the appellant if she wished to raise any further issues in support of her case. The appellant stated that she understood the principle of not losing car parking spaces but pointed out that in reality this would not be an issue in this case as the space was only used by her family. The proposal would result in the relinquishment of a rented garage or the freeing up of the space for someone else to use.

The Chairman asked the Area Housing Manager if he wished to raise any further issues in support of his case. The Area Housing Manager advised that he had nothing further to add.

The Chairman indicated that the Panel would consider the matter in the absence of both parties and that the appellant and the Area Housing Manager would be advised in writing of the outcome. The appellant and the Area Housing Manager then left the meeting.

The Panel considered all of the evidence and focussed on the Council's policy for off-street garden parking, the appellant's proposals for achieving off-street parking, the effect of the appellant's proposals on the existing parking in the locality and other options available.

RESOLVED:

That, having taken into consideration the information presented by the appellant and by the Area Housing Manager, in writing and orally, the appeal be dismissed and the decision of the Area Housing Manager that permission not be granted for a vehicular crossover to the appellant's property be upheld for the following reasons:

- (a) the proposal would result in the loss of a parking space in the front of the appellant's property available for use by other residents or their visitors, which would be contrary to the conditions which normally have to be met for permission to be granted for a vehicular crossover over Council-owned land;
- (b) it is not considered that there are any special circumstances in this case which justify an exemption being made to the Council's policy;
- (c) it is considered that there are other options available to the appellant to achieve off-street garden parking without the loss of an existing parking space, e.g. access from the rear of the property.

CHAIRMAN