

Appeal Decision

Site visit made on 21 November 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th December 2016

Appeal Ref: APP/R0335/D/16/3156103

28 Gull Lane, Bracknell, Berkshire RG12 8EL

- 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 Miss Michelle Russell against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00459/FUL, dated 4 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is installation of garage door onto existing car port.
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Decision

1. The appeal is allowed and planning permission is granted for installation of garage door onto existing car port at 28 Gull Lane, Bracknell, Berkshire RG12 8EL in accordance with the terms of the application, Ref 16/00459/FUL, dated 4 May 2016, 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 garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Procedural matter

2. Notwithstanding the description given on the application form, for the purposes of clarity, the proposed development can more succinctly be described as "installation of garage door onto existing car-port". This description is used by the Council in its decision notice and is the one I have adopted in the determination of this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

4. The appeal property is a semi-detached dwelling located on a corner plot within a relatively new residential area, which is served overall by a combination of off-street parking spaces and car ports, courtyard parking and on-street parking bays. The appellant's car port and accompanying driveway parking space are set a short distance away from her dwelling within a separate block.
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5. From my site visit it was clear that the streets within the estate are relatively narrow and there are no yellow line parking restrictions. Therefore, the combination of on and off-street parking facilities appears to provide the only practical means of controlling resident and visitor parking within this residential area.
6. There is currently space for the parking of a car within the car port and for an additional car to be parked on the driveway in front of it. The appellant proposes to retain the car port space as garage parking but seeks to enclose it with a door in order to provide a greater level of security for car and motorcycle parking, whilst also preventing the problems currently being experienced from fouling by cats.
7. Saved Policy M9 of the Bracknell Forest Borough Local Plan (2002) (LP) seeks to ensure satisfactory parking provision is made for vehicles and cycles. The supporting text to the policy sets out a requirement for development to adhere to the standards set out in the Council's Parking Standards Supplementary Planning Document (2016) (SPD). Although it is not part of the development plan, the SPD falls for consideration.
8. The SPD advises that the proposed garage space would now be substandard, even though it was not at the time when the development was granted permission. I accept that the Council now expects garages to be large enough to accommodate a parked car whilst also providing storage space and note its concern that garages are often used for storage rather than parking. Clearly, unless the proposed garage was used for vehicle parking, it would result in the loss of one space which would have a small diminishing effect on parking provision within the estate.
9. However, the existing space is clearly of sufficient proportions so as not to preclude the parking of a car or motorcycle and this would not be reduced simply by the fitting of a garage door. In the case of motorcycle parking, given that it would take up much less space than a car, substantial areas for storage would be maintained. Furthermore, items such as bicycles could be stored on wall mounted brackets and shelving could also provide places for storage which would not prevent the garage being used for the parking of a car. Moreover, the appellant has put to me that the installation of a garage door would result in a more usable parking space by eliminating the issues related to cats and the existence of this problem is not disputed by the Council.
10. On the balance of the available evidence, there is nothing to suggest that the garage would be used for any other purpose than for parking vehicles and I consider that the proposal would not result in the loss of a parking space. Thus, it would accord with saved LP Policy M9.
11. The Council has put to me that to allow the proposed development would set an undesirable precedent for other similar schemes. I recognise that other occupiers with car port parking may see the installation of garage doors as an attractive proposition. However, this does not mean that overspill parking would be a direct result or, even in the event that it did, that there would be automatic adverse effects on highway safety as a consequence.
12. In my view, to allow the appeal would not prejudice the Council's ability to determine applications for similar schemes on a case-by-case basis, taking into account any cumulative impacts on highway safety. In any case, a

requirement for the garage space to be retained for the parking of vehicles could be the subject of a suitably worded condition on permissions the Council may subsequently grant for any similar schemes.

13. Within its reasons for refusal, the Council has also cited Policy CS23 of the Core Strategy Development Plan Document (2008). However, having examined the Policy's wording, it is unclear how it directly relates to the scale of the proposal before me and I therefore afford it only limited weight in my decision.
14. For the above reasons, the appeal proposal would not result in harm to highway safety when considered against the overall transport objectives of the development plan.

Conditions

15. I note the Council's suggested conditions. I agree that a condition is necessary in relation to the ongoing use of the garage. However, I have not imposed the Council's suggested condition relating to the type of door to be used as I am not persuaded that the space in front of the garage would be insufficient to accommodate the use of an up-and-over type door whilst also maintaining an adequate parking space.

Conclusion

16. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector