The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 12th January 2016

Appeal Ref: APP/Y0435/D/16/3161601
1 Cubbs Close, Middleton, Milton Keynes MK10 9RT

- 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 Mark Tidswell against the decision of Milton Keynes Council.
- The application Ref 16/01439/FUL, dated 24 May 2016, was refused by notice dated 9 September 2016.
- The development proposed is the enclosure of a carport with wooden doors to the front and rear.

Decision

1. The appeal is dismissed.

Procedural Matter

2. By reason of the nature of the description of development given on the application form which includes a detailed explanation of the proposal, this is a case where exceptionally the description provided on the Council's decision notice has been adopted. The full description of development provided by the appellant has, however, been taken into account in the determination of this appeal.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the safety and convenience of other highway users.

Reasons

4. The appeal property is a 2-storey detached dwelling which fronts Walton Road albeit its design and choice of external materials is similar to other properties fronting the adjacent Cubbs Close. The property incorporates a carport which enables vehicles to both park a vehicle and provide a drive through to the parking space within the rear garden. The 2 off-street parking spaces claimed to be required by the Council are provided within the property's curtilage. To access these spaces there is a crossover from Walton Road which includes a short length of surfaced drive across the grass verge which is within the adopted highway. This drive was being used for parking during the site visit.

5. The proposed development includes the erection of 2 sets of garage doors to the front and rear of the property which would fully enclose the car port. The appellant has indicated variations to the appeal scheme could be made whereby only the rear of the car port would be fully enclosed with the existing iron railings to the front opening being retained. Such an approach would be similar to near-by dwellings albeit they appear to possess a parking space within a shared private drive which is not part of the public highway. However, this was not the scheme considered by the Council and is not, therefore, the one which is the subject of this appeal.

6. Carports, as an approach to off-street parking for residential properties, have been adopted elsewhere within the surrounding area, including properties fronting Tyhurst and Southside Lane. The frontage of many of these carports remain unenclosed or possess 1 metre high metal railing style gates. As noted by the appellant, some carports have been enclosed by the erection of garage style doors. The Council claims that planning permission is unlikely to have been granted for the erection of garage doors and the enclosure of the car ports at other properties.

7. However, the appellant has identified that the garage doors at 3 Tyhurst has consent (Ref 12/00510/FUL). No details have been provided to explain why permission was granted and it was noted during the site visit that No. 3 is accessed from a shared private drive with off-street parking spaces. In the absence of more information and because of the difference in circumstance, only limit weight can be given to the garage doors at No. 3 in the determination of this appeal. Similarly, in the absence of their detailed planning circumstances, little weight can be given to the other examples of carports where garage doors have been erected.

8. The Council's *Supplementary Planning Document: Parking Standards* (SPD) identifies carports with 2 open faces contribute towards off-street car parking provision for dwellings, whereas garages do not (paragraph 4.4). The reason for this distinction is that an enclosed garage may be capable of being used for domestic purposes other than parking. In the case of the appeal property, the Council identify that there is a condition which restricts the erection of garage doors but the decision notice has not been provided.

9. Although within highway land, I have some sympathy with appellant's claim that the surfaced access across the verge could be utilised as an off-street parking space. Such a use would not prejudice the safety or convenience of other highway users but I am equally mindful that the appellant does not have any direct control over this drive because it forms part of the public highway. However, irrespective of this potential parking space, the proposed development would still result in the enclosure of the car port and the creation of a garage which, as identified in the SPD, would no longer contribute towards off-street parking for the property.

10. I share the Council's concerns that the enclosed space which would be created could be used for purposes other than parking. It would be difficult for a condition to be reasonably and effectively monitored to, for example, determine whether the space was being used for parking or storage purposes. Further, the proposed erection of garage doors to both the rear and front elevations would, in my assessment, make the use of the rear parking space less likely because of the physical requirement to open both sets of doors.

11. For these reasons, there would be the potential for off-street parking to occur adjacent to the appeal property along Walton Road. The carriageway of Walton Road is not particularly wide and is one of the main routes towards Milton Keynes Village. A car parked on the carriageway would impede the flow of traffic along the road. The grass verges are positive features of the road and parking on them rather than the carriageway would be detrimental to their character and appearance.

12. It is, therefore, concluded that the proposed development would be likely to result in increased pressure for on-street parking to the material detriment of the safety and convenience of other highway users and, as such, there would be a conflict with Policy T15 of the Milton Keynes Local Plan 2001-2011. This policy indicates that on-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking that cannot be resolved by on-street parking controls.

Other Matters

13. The appellant has raised a concern about fear of crime but there is no specific evidence to indicate that the property is particularly vulnerable or there is a need for a greater level of security than that which currently exists. In the absence of such evidence, limited weight is given to this matter in the determination of the appeal and it is demonstrably and substantially outweighed by the unacceptable harm which has been identified. Accordingly, and taking into account all other matters, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR