

Appeal Decision

Site visit made on 19 April 2017

by Megan Thomas Barrister-at-Law

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

Decision date: 10 May 2017

Appeal Ref: APP/E2205/D/17/3168492

7 Cormorant Place, Finberry, Sevington TN25 7FT

- 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 Jamie Freeman against the decision of Ashford Borough Council.
 - The application Ref 16/01686/AS, dated 14 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is the "insertion of a garage shutter doors on car barn (retrospective)."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development applied for on the planning application form stated "Permission for garage shutter door to stay on my garage opening.. My drive is big enough for 3 cars to be parked on.. With council rules being 2 vehicles. Therefore I am not creating a nuisance, and taking up general public parking space.. Have also had works done professionally".
3. However, for ease of reference and brevity, I have shortened the description of the development sought in the box above to "insertion of garage shutter doors on car barn (retrospective)". This is the form of words used by the Council on the Notice of Decision and the change does not prejudice any party.
4. I have noted that the development has already taken place. The Council does not suggest that the appellant has undertaken unauthorised development intentionally and the fact that development has already taken place has not adversely influenced my determination of this appeal.

Main Issue

5. The main issue in the appeal is the effect of the garage shutter doors on highway convenience and highway safety.

Reasons

6. The appeal site is a two storey dwelling with garden situated amongst a development of new housing in the settlement of Finberry. Many of the dwellings in the immediate area have been built with car barns, which are open to the front and have no garage doors. The off-street area in front of no.7's car barn is a strip of driveway located between the west elevation of the dwelling and east elevation of the neighbouring dwelling.
7. The Council asserts that the appellant's driveway is about 9.1m long and the appellant has not disputed that measurement.
8. Condition 10 of the reserved matters approval (ref: 09/01566/AS) which relates to planning permission for the appeal site and other nearby dwellings specifies that "*No doors shall be affixed to the front elevation of any of the car barns hereby approved without the prior written consent of the Local Planning Authority.*" The reason given for that condition is to ensure that the car barns remain available for use as car barns and are not used for secure household storage. As far as I am aware, no Breach of Condition Notice under section 187A of the Town and Country Planning Act 1990 has, to date, been issued and served on the appellant.
9. The Council has a Supplementary Planning Document *Residential Parking and Design Guidance* 'SPD' which was subject to public consultation and was adopted in October 2010. It specifies that a two or more bedroom house in a 'suburban' location should be provided with a minimum of two parking spaces. The appeal site is in a suburban location and is a two or more bedroom house.
10. The SPD also specifies that in 'suburban' locations a garage will not be counted as containing a parking space. It also specifies that parking spaces that will be adjacent to a wall or a fence and therefore obstructed on one side, should be a minimum of 2.7m wide by 5m long. The parking strip alongside no.7 is adjacent to a wall. As the car barn cannot be counted as a parking space, the required length of driveway is 10m in order to meet the terms of the SPD. Therefore, the area available at no.7 Cormorant Place fails to provide the requisite length and is not able to provide two 5m long parking spaces.
11. I have considered whether there are any grounds on which to relax this SPD requirement. The appellant points to the fact that he can park two vehicles tandem-style on the drive with the garage shutter door closed. I have borne that in mind but I am obliged to consider future occupiers of the dwelling and the fact that the Council cannot control the type of vehicle owned or controlled by occupants of the dwelling. Whilst the appellant asserts that two vehicles can be parked on the drive with the garage shutter lowered (or three vehicles if the car barn is used as a parking space) that does not alter the fact that the requirements of the Council's SPD cannot be met. I note that the SPD has been out to public consultation and it is a document on which I place significant weight.
12. Consequently, with the garage shutter in place and operational, there is a strong likelihood that in the future, the occupation of no.7 would generate some on-street parking. The layout and design of Cormorant Place, in common with several other streets in Finberry, has been deliberately designed to a tight development layout with limited unallocated on-street parking and it is very

important that each dwelling provides the SPD-compliant size and number of off-street parking spaces. Failure to provide correctly-dimensioned parking spaces would be highly likely to result, in future, in on-street parking which in turn causes highway inconvenience, restricts ease of traffic movement and manoeuvring, and can jeopardise highway safety for all categories of highway user.

13. I conclude, therefore, that the development is highly likely to result in unacceptable highway inconvenience and harm to highway safety. It is in breach of policies CS1 and CS15 of the Local Development Framework Core Strategy 2008, the SPD *Residential Parking and Design Guidance* and Supplementary Guidance 9 *Domestic Garages and Outbuildings in Urban and Rural Areas*.
14. Furthermore, if this particular development obtained planning permission, it would be difficult for the Local Planning Authority to resist similar developments given that the appeal site is located on a housing estate where the layout of dwellings and streets is similar in terms of tightness of layout and limited unallocated on-street parking. This is a case where there is a well-founded fear that a precedent would be set which would lead to increased adverse impacts on highway convenience and highway safety in the area.
15. Having taken into account all representations made, including those relating to the need for security for items placed in the car barn, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR