

Appeal Decision

Site visit made on 25 May 2017

by D Cramond BSc MRTPI

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

Decision date: 08 June 2017

Appeal Ref: APP/A1720/D/17/3172270

1 Halifax Close, Fareham, PO14 4FT

- 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 Liam Channon against the decision of Fareham Borough Council.
 - The application Ref P/17/0199/FP, dated 21 February 2017, was refused by notice dated 22 March 2017.
 - The development proposed is to fit a garage door to existing car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use a key part of the Appellant's lengthy description of development as a means of ensuring concision above.

Main Issue

3. The main issue is the effect of the proposal on parking provision at the host property and in the locality.

Reasons

4. The appeal property is a two storey end of terrace dwelling with an integral car port in an area of tightly knit development with many homes of similar form and parking arrangements. The proposal is as described above.
 5. A planning condition, quoted by both main parties, requires that any enclosure of the car port by doors would require Council approval and the reason for this is to seek to ensure adequate on-site parking provision. In summary the Council is concerned that adding a door to the car port would decrease the likelihood of it being used to park a car.
 6. The Council's adopted Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) normally does not count garages towards parking provision. Furthermore that document sets a minimum size for garages and the plans would not achieve this. The car port as it stands can relatively readily be used to park cars and at the time of my visit I noticed a number of neighbouring properties were using these car ports accordingly. I am sceptical that on the appeal property or elsewhere the corresponding degree of use would be made of garages of the same size, the degree of awkwardness and tightness for cars would be a disincentive and by its nature a
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garage is frequently found to operate for storage rather than as a parking area. To my mind the appeal proposal would, in all likelihood, therefore lead to an effective reduction in on-plot car parking provision. The corollary of this would be to add to requirements for, and use of, off-site parking. From my observations this is not well catered for locally, is already in demand, and adding any further to this already stretched provision would be harmful to the convenience of movement and safety on the highway.

7. Whilst every planning proposal must be determined on its own merits I would say in this instance that with so many comparable car ports and a layout with homes and disposition of such an identical or nearly identical nature it would be difficult to resist further applications should this scheme be allowed. There is no doubt that this would cumulatively exacerbate the parking stress, and hence the convenience and safety, within the public realm areas. It would also reduce the aesthetic quality of the locality by reason of increased numbers of cars cluttering off-plot areas.
8. The question of human rights is a valid point to consider and include within the planning balance in this case. Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 makes it clear that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. It goes on to set out that preceding provisions shall not in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. In this instance the general interest revolves around the matter of seeking to ensure that an appropriate level and quality of parking provision is available on-site in order that the risk of additional off-site parking with its associated inconvenience and safety implications is minimised.
9. I sympathise with the Appellant's wish to add a security measure to the property given the fear of further of vandalism or theft to property including wishing to protect a car and motorcycle. I appreciate that the specific door has been selected to appear of a tidy and matching form and colour and the Appellant wishes to continue to use the car port area for the parking of vehicles. I can see that there is also intent to use an additional area on the dwelling's frontage for parking which measured in isolation could comply with Council guidelines. This is not before me for formal determination but I do have sympathy for the Council's stated concerns over the question of a suitable pedestrian access remaining for the front door or also whether such a proposal was aesthetically appropriate.
10. Given all of the foregoing I conclude that the appeal scheme would not accord with Policy CS5 and Policy CS17 of the adopted Fareham Borough Core Strategy which, taken together and amongst other matters, seek to provide appropriate parking for developments and to ensure the safety and efficient operation of highways. It would also run contrary to the SPD albeit that publication cannot be expected to cover every eventuality. Furthermore in terms of weighting I am satisfied that a decision to dismiss the appeal would not breach the requirements of Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998

11. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

Overall conclusion

12. For the reasons given above I conclude that the proposal would have unacceptable adverse effects on parking provision at the host property and in the locality. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR