
Appeal Decision

Site visit made on 14 November 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 4th December 2017

Appeal Ref: APP/G2245/W/17/3181824
22 Oakleigh Close, Swanley BR8 7WJ

- 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 Mesud Sali against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03617/FUL, dated 23 November 2016, was refused by notice dated 31 May 2017.
 - The development proposed is "Conversion of the existing house into two flats".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal property is a mid-terraced dwelling arranged over three floors. The description of the proposed development on the application form is that which is set out in the banner heading above. However the submitted plans also show that a single storey rear extension is proposed as well as a ground floor front infill extension and the conversion of the garage to a habitable room. I note that planning permission¹ has previously been granted for a single storey rear extension and conversion of the garage to a habitable room with a front infill extension. I observed that works matching this description have been largely completed. Nonetheless, I have not been provided with a copy of the plans for this consent to allow me to determine whether what has been constructed is as approved. Thus, for the avoidance of doubt, I have considered the appeal on the basis of the submitted plans.
3. The Council raises no objection to the proposed single storey rear extension, ground floor front infill extension or the conversion of the garage to a habitable room. On the basis of the evidence before me and that these parts of the proposal are likely to be similar to those of the extant consent, I have no substantive reasons to take a different view. The Council's main concern relates to the conversion of the appeal property into two flats, the provision of parking and the effect that this would have on highway safety. This has formed the basis of the main issue.

Main issue

4. The main issue is whether the proposal would provide adequate parking and, if not, the effect of this on highway safety.

¹ Ref 15/01360/HOUSE

Reasons

5. The appeal property is located at the far end of Oakleigh Close, a cul-de-sac which runs from Sycamore Drive and which is in part subject to parking restrictions. Dwellings along it tend to be provided with off-street parking. I observed that given the presence of parking restrictions and the arrangement of dwellings and their associated driveways along Oakleigh Close, there is severely limited opportunity for any on-street parking along this cul-de-sac. Moreover, at the time of my site visit, which occurred at around midday, I observed that where very few opportunities do exist, these were being utilised. There is no substantive evidence before me to demonstrate that this is likely to change significantly during other times of the day. Thus, Oakleigh Close is subject to a considerable level of existing parking pressure. The representations from local residents would appear to support my view on this matter.
6. The proposal seeks to convert the appeal property from a single dwelling to two, one bedroom flats. One off-street parking space would be provided. Policy T2 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (ADMP) requires that vehicle parking provision in new residential developments should be made in accordance with Kent County Council parking standards. These standards are set out in Appendix 2 of the ADMP. These standards require a maximum of one parking space per one bedroom flat within an edge of centre location, or a minimum of one parking space per one bedroom flat if within a suburban location.
7. It is not clear to me whether the Council has assessed the proposal as falling within an 'edge of centre' or a 'suburban' location. There is also no definition of these terms that I can see. However, the Council's evidence states that the appeal property is located 'close to the centre of Swanley town'. On this basis, it is reasonable for me to consider the appeal property as having an edge of centre location. Thus, a maximum of one parking space would be required for each of the proposed flats. On the basis that the parking provision requirement is a maximum one, the provision of one parking space for two one bedroom flats does not strictly speaking conflict with the parking standards set out in Appendix 2 of the ADMP or thus with the requirements of Policy T2 of the ADMP insofar as it requires development to comply with these standards.
8. Nonetheless, given the severely limited opportunities for on-street parking along Oakleigh Close, I consider that any additional parking needs generated by the proposal would exacerbate pressure on on-street parking along this cul-de-sac by a considerable degree.
9. The appellant suggests that the proposed flats would be smaller and more affordable than other properties in the area and would therefore suit people on lower incomes who are less likely to own a car. However, there is no substantive evidence provided to support this assertion. It is also indicated that any future occupiers would use public transport and bicycles to get around rather than a car. Nonetheless, the submitted plans do not appear to show any cycle provision and I am unclear where the nearest public transport routes are. In addition, though located near to the town centre and its associated services and facilities, this does not inevitably mean that any future occupiers would not own a car. The appellant highlights that there are other parking opportunities on some nearby streets which do not have parking restrictions. Nevertheless,

no specific streets have been identified to allow my consideration of this matter any further. In addition, the nearest street, Sycamore Drive, appeared to me to have parking restrictions along it.

10. The appellant also suggests that the single off-street parking space could be designated as a car club space for the occasional use of a vehicle for any future residents of the proposed flats and that this could be secured by condition. However, there are no further details relating to how such a scheme would work in practice and no detailed wording of such a condition has been put to me to consider this matter further. Nor is such a condition likely to be enforceable by the Council in any event. Moreover, it is my understanding that car clubs are more applicable to large developments or where they are used by a substantial number of local residents. This would not be the case here.
11. I am therefore not persuaded that the proposal would not generate a requirement for two parking spaces. Indeed, in this instance, it would be unreasonable not to make such provision on-site given the lack of other parking opportunities in the area. On this basis, I consider that the proposal would result in an increased demand for on-street parking along Oakleigh Close where there is little or no opportunity to accommodate it. This would result in inappropriate parking along this cul-de-sac, including on the road, associated footpaths or verges, which would inconvenience other residents of Oakleigh Close and which would realistically give rise to significant harm to the safe use of the highway.
12. This is the thrust of what Policy T2 of the ADMP is seeking to avoid, having regard to the accompanying text to this policy. Thus, the proposal would be contrary to its overall aims and objectives. It would also conflict with the aims and objectives of the National Planning Policy Framework which seek to secure safe and suitable access for all people.

Other matters

13. The proposal would make a contribution, albeit a limited one, to housing supply within the District. It would provide a good standard of living accommodation for any future occupiers. However, whilst these matters weigh in favour of the proposal, they would not in my view be sufficient to outweigh the inadequate provision of parking and the subsequent harm to highway safety.

Conclusion

14. For the reasons set out above and having regard to all other matters, including noise and disturbance, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR