



Appeal Decision

Site visit made on 25 January 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/H2265/D/21/3286023

19 Ruton Square, Kings Hill, West Malling ME19 4SH

- 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 Simon Hack against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/21/01711/FL, dated 16 June 2021, was refused by notice dated 17 September 2021.
 - The development proposed was described as 'Installation of an electronically operated sectional door to currently open car port'.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of an electronically operated sectional door to the car port at 19 Ruton Square, Kings Hill, West Malling ME19 4SH in accordance with the terms of the application, Ref TM/21/01711/FL, dated 16 June 2021, and the plans submitted with it.

Procedural Matters

2. When I undertook my site visit a door (the door) to the front of 19 Ruton Square's (No 19) car port had been installed. That door having been installed, in accordance with the details shown on the plans and drawings accompanying the appellant's planning application. I have therefore determined this appeal on the basis of it being for a development that has been implemented and deleted the words '... currently open ...' from the description of the development used in my formal decision above.

Main Issue

3. The main issue is whether there is adequate off-street parking available for No 19, with particular regard to effects for: the appearance of the streetscene; the living conditions of residents of Ruton Square and adjoining streets; and the safe and efficient operation of the highway.

Reasons

4. No 19 is a detached house within a recently constructed housing estate. As originally constructed No 19 had an open fronted car port and the installation of the door has in effect created a garage. There is a hard surfaced drive in front of that garage.

5. The Council is concerned that with a garage No 19's off-street parking provision is reduced by one space. That concern being based on the premise that garages tend to be used for storage rather than car parking.
6. The design guidance contained in Appendix B of Kent County Council's Vehicle Parking Standards 2006 (the PS2006), advises that to allow for vehicle parking and some storage the preferred internal dimensions for a single garage should be 5.5 metres (length) by 3.6 metres (width). Based on those dimensions to accord with the PS2006 a single garage should have an internal area of not less than 19.8 square metres (sq.m). The appellant has explained that the car port was constructed with an area of approximately 25 sq.m. That means that what is now a garage also has an area of around 25 sq.m, which appreciably exceeds the preferred area stated in the PS2006. No 19's garage is of a size that is capable of being used for vehicle parking with some storage. Given that I am of the view that the door's installation does not preclude the garage's use for car parking. I therefore consider that as a matter of course it does not necessarily follow that the garage door's installation will result in increased on-street parking capable of being prejudicial to either the living conditions of the residents of Ruton Square and the adjoining streets or the operation of the public highway.
7. The installation of the door has not altered the availability of driveway parking for No 19. A photograph within the appellant's grounds of appeal shows that two cars, can be parked side by side on No 19's drive, without encroaching onto the footway, albeit with little space between them. In that regard No 19's drive is wider than the drives serving some of the other houses with car ports in Ruton Square and the adjoining streets. Given that No 19's off-street parking provision, irrespective of whether this property has a car port or a garage, is not directly comparable with some of the other dwellings on this housing estate with car ports and narrower drives.
8. Even if the door's installation results in some increased on-street parking, as this part of Ruton Square has footways on both sides and No 19 is at some distance from the right angle bends in this street, I consider that parking would be very unlikely to have significant effects for pedestrians or other road users. I am therefore of the view that the consequences of installing the door are not necessarily comparable with those that might arise in other parts of this estate, where there are: bends in the road and/or narrower carriageways; no or single footways; or a combination of those features, some of those circumstances being shown in the photographs included in the Council officer's report.
9. While the change to No 19's car port could on occasions cause some on-street parking to arise, I consider that would not be of such visual significance as to be harmful to the streetscene. In that regard, no matter how much off-street parking is provided, I consider it reasonable to expect in a suburban location such as this that some on-street will arise, with the parking of vehicles either on drives or on-street being characteristic of residential areas.
10. The parking requirements for dwellings are stated as a maximum, as opposed to absolutes, in the PS2006. Accordingly, off-street parking provision ranging between none and three parking spaces for dwellings with four bedrooms can be compliant with PS2006. The Council has explained that in November 2009

it adopted interim residential parking guidance (IGN3¹), which refers to houses with four or more bedrooms in suburban locations having two off-street parking spaces, with garages, unlike car ports, not counting towards the two parking space requirement. However, the Council in its officer report has referred to IGN3 as being '... out of date ...'. In that regard in a 'Position Statement' of August 2021 the Council has explained it is now applying substantially less weight to IGN3, with the focus now being on, amongst other things, the consideration of '... site-specific circumstances ...'.

11. A consequence of the Council's decision to attribute substantially less weight to IGN3 appears to be that parking provision should be assessed primarily against the maximum standards stated in the PS2006. For a property such as No 19 that means there needing to be in the range of between zero and three off-street parking spaces. With the garage resulting from the door's installation still being capable of accommodating a car and up to two drive spaces being available, depending on the size of cars being parked, I consider the parking available for No 19 continues to fall within the range stated in the PS2006.
12. Taking account of the site specific circumstances that I have referred to above, I conclude that with the door's installation there is adequate off-street parking available for No 19 and that this particular development has and will not result in harm to: the streetscene; the living conditions of residents of Ruton Square and adjoining streets; or the safe and efficient operation of the highway. I therefore consider that the development accords with the provisions of Policy CP24 of the Tonbridge and Malling Borough Council Core Strategy of 2007, Policy SQ1 of the Managing Development and The Environment Development Plan Document of 2010 (MDEDPD) and section 12 of the National Planning Policy Framework 2021 (the Framework). That is because this development is respectful of its surroundings' appearance and is not causing harm to the living conditions of the occupiers of nearby dwellings. I also consider there is no conflict with Policy SQ8 of the MDEDPD and paragraph 111 of the Framework because adequate off-street parking is available for No 19 for there to be no significant harm to highway safety.

Conclusions

13. For the reasons given above the appeal is allowed.
14. As the development for which planning permission was sought has been implemented in accordance with the application plans, I consider there is no need to impose any planning conditions. The planning permission I have granted expressly referring to it being for the development for which permission was sought, including the plans that were submitted as part of the planning application.

Grahame Gould
INSPECTOR

¹ Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (20 November 2008)