Appeal Decision

Site visit made on 21 June 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/W/22/3290924
33 The Willows, Newington ME9 7LS

- 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 & Mrs Ogechukwu & Ifeoma Ukaejiofo against the decision of Swale Borough Council.
- The application Ref 21/504980/FULL, dated 9 September 2021, was refused by notice dated 23 December 2021.
- The proposed development is for internal alteration and minor external alteration, involving changing of garage door to window, matching the existing material.

Decision

1. The appeal is allowed and planning permission is granted for internal alteration and minor external alteration, involving changing of garage door to window, matching the existing material at 33 The Willows, Newington, Sittingbourne ME9 7LS in accordance with the terms of the application, Ref 21/504980/FULL, dated 9 September 2021, and the plans submitted with it (site plan, AME/PP/79/02B, AME/PP/79/04, AME/PP/79/05, AME/PP/79/06, AME/PP/79/07A, AME/PP/79/08A, AME/PP/79/09, AME/PP/79/10).

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issue

3. The main issue is the effect of the proposal on highway safety with particular regard to the availability of parking space.

Reasons

4. The appeal site is a 2-storey, end-terrace property located on The Willows in a residential estate. The prevailing pattern of built form is of tight-knit rows of properties that face the public highway. The proposal is to convert the garage into habitable accommodation.

5. The Swale Borough Council Parking Standards Supplementary Planning Document May 2020 (SPD) sets advisory and recommended standards for parking provision within developments. The Council classes the property as suburban, which is not disputed by the appellant, where the SPD recommends that a 3-bedroom dwelling should have 2 parking spaces with minimum parking space dimensions of 5m x 2.5m. The SPD further advises that garages should comply with minimum standards of 3.6m width x 7m depth.

6. The Council concedes that the garage previously serving the appeal property did not meet the minimum standards set out in the SPD. Given that both the length and width of the garage were deficient, to my mind when judged against the standards a loss of off-street parking would not actually occur.

7. At my site visit I saw a family-sized car on the driveway immediately to the front of the new window. It was parked in such a way that no part of the vehicle projected beyond the confines of the site.

8. The appellant has submitted a photo showing a car also parked on the driveway to the other side of the porch, adjacent to 31 The Willows. Whilst technically below the size expected a smaller vehicle could, in reality, be kept on the space although this might project marginally out onto the public footpath.

9. The appeal dwelling is part of an estate of houses served by a quiet road with no parking restrictions in place. Even if a vehicle was to slightly overhang the front boundary (as demonstrated by the image in the Council's delegated report) there would still be adequate space on the footpath for a pedestrian to pass freely. Consequently, any conflict between highway users would be unlikely.

10. I observed that it would be possible for additional vehicles associated with the appeal site to park in relatively close proximity should the need arise without causing an obstruction. During my site visit I saw no evidence that on street parking in The Willows is particularly difficult.

11. I conclude that the scheme would not result in harm to highway safety with particular regard to the availability of parking space. It would meet Policies DM7 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 (LP) and the provisions of the SPD, which require parking facilities in accordance with the County Council's standards.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I am satisfied that no conditions are required.

Conclusion

13. Given my reasoning, I allow the appeal.

C Hall

INSPECTOR