

Appeal Decisions

Site visits made on 11 July 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal A Ref: APP/H2265/D/22/3293864

2 Vincent Drive, Kings Hill, West Malling ME19 4QX

- 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 Jian Yu against the decision of Tonbridge and Malling Borough Council.
- The application Ref TM/21/02620/FL, dated 26 September 2021, was refused by notice dated 20 January 2022.

The development proposed is the conversion of the existing double carport shared between 2 and 3 Vincent Drive into two garages, by way of the following: 1) installation of a 60min fire rated wall to the apex of the roof, between the two carports. 2) the installation of white metal garage doors similar to others in the area. 3) the installation of a single timber access door to the side/rear of each garage to provide access to the gardens.

Appeal B Ref: APP/H2265/D/22/3293914

3 Vincent Drive, Kings Hill, West Malling Kent ME19 4QX

- 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 David Price against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/02595/FL, dated 27 September 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the conversion of the existing double carport shared between 2 and 3 Vincent Drive into two garages, by way of the following: 1) installation of a 60min fire rated wall to the apex of the roof, between the two carports. 2) the installation of white metal garage doors similar to others in the area. 3) the installation of a single timber access door to the side/rear of each garage to provide access to the gardens.
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Decision

1. Appeals A and B are allowed and planning permission is granted for the conversion of the existing double carports shared between 2 and 3 Vincent Drive into two garages, by way of the following: 1) installation of a 60min fire rated wall to the apex of the roof, between the two carports. 2) the installation of white metal garage doors similar to others in the area. 3) the installation of a single timber access door to the side/rear of each garage to provide access to the gardens at 2 and 3 Vincent Drive, West Malling ME19 4QX in accordance with the terms of the applications, Refs TM/21/02620/FL and TM/21/02595/FL, dated 26 and 27 September 2021 respectively, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. Although separate appeals were made for the development proposed at Nos 2 and 3, I have, given the overlap on the matter in dispute and the evidence submitted, dealt with both appeals in a single decision.

Main Issue

3. The main issue in respect of Appeals A and B is the effect of the proposed development on the appeal property's parking provision and whether as a result there would be an increased demand for on-street parking to the detriment of highway safety and the character and appearance of the area.

Reasons

4. Both appeals relate to detached four bedroom properties within a residential area of Kings Hill containing similar sized properties. A linked carport is between Nos 2 and 3. It, along with a further parking space on the driveways in front of the carports, means that each dwelling has two off-street parking spaces. Both dwellings also benefit from an allocated on-street parking space on the road in front of the dwellings.
5. The Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards (IGN3) explains that it is of great importance that there is enough well-integrated parking provision across new developments. This is in the context of issues being experienced on the ground from historic failings to provide sufficient parking for new development. As the Council consider that the parking standards in IGN3 to be out of date and lead to insufficient levels of parking, The Position Statement requires decision makers to consider: individual detail of the development in question; specific circumstances; and prevailing locational characteristics of any given case.
6. IGN3 seeks four bed properties in suburban edge areas to be allocated at least two vehicle parking spaces per dwelling. The proposal would see the carports converted into garages. As a result, based on IGN 3, they would not count towards each property's parking provision with the Council saying many people do not use them in practice.
7. The allocated parking space on the road in front of Nos 2 and 3 is solely for use by the occupants of each of the dwellings due to the signs on the respective kerbs. Therefore, they count towards the parking provision for Nos 2 and 3. As the spaces are recessed from the road, vehicles can pass freely in either direction. So, while the proposals would reduce the number of parking spaces serving Nos 2 and 3, each property would still have two independently accessible parking spaces. If the proposed garage was used for parking this would only increase the provision for each dwelling.
8. Traffic in the cul-de-sac is generally limited to occupants, visitors or deliveries. Traffic speeds are likely to be low due to the layout and width of the road. The evidence before me and my own observations indicate that the nearby visitor parking is not also oversubscribed. Therefore, even if it were to happen, I consider that an increased demand for on-street parking would not lead to vehicles being parked on the footways or affecting the safe and efficient operation of the highway. Hence, I consider highway safety and the character

and appearance of the area would not be harmed by the proposals.

9. I note the reference to other applications to convert car ports into garages and the Council's cumulative concerns about such developments taking place, but the applications referred to are in a different area of Kings Hill some distance from Nos 2 and 3. Moreover, it seems that these properties would have had one parking space remaining after the carport was converted. This would not be the situation here.
10. I conclude that Nos 2 and 3 would have adequate parking provision even considering the conversion of the carports to garages, and that this would not lead to an increased demand for on-street parking to the detriment of highway safety and the character and appearance of the area. Therefore, the proposals would not conflict with Policy SQ8 of the Managing Development and the Environment Development Plan Document and paragraph 111 of the National Planning Policy Framework; which jointly seek development to comply with parking standards and not significantly harm highway safety.

Conditions

11. In respect of both appeals, I have imposed an approved plans condition in the interests of certainty. A materials condition is necessary for both appeals in the interests of ensuring the development responds to the character and appearance of the area.

Conclusions

12. The proposed development subject of Appeals A and B would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision for either appeal other than in accordance with this.
13. For the reasons given above I conclude that Appeals A and B should be allowed.

Andrew McGlone

INSPECTOR