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## Appeal Decision

Site visit made on 22 November 2022

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

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### Appeal Ref: APP/L2250/D/22/3304653

### 7 Argus Way, Hythe, Kent CT21 4AZ

- 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 J Platts against the decision of Folkestone & Hythe District Council.
  - The application Ref 22/0471/FH , dated 17 March 2022, was refused by notice dated 24 May 2022.
  - The development is the conversion of open barn carport into enclosed garage.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of open carport into enclosed garage at 7 Argus Way, Hythe, Kent CT21 4AZ in accordance with the terms of the application, Ref 22/0471/FH , dated 16 March 2022, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 220315-S-001.

### Main Issue

2. The main issue is whether the conversion of the open barn carport would place additional parking pressure on the surrounding highways.

### Procedural Matter

3. Although the development was described as proposed on the application form, I noted that the roller shutter door had been installed at the time of my site visit and I have therefore adjusted the description of development accordingly.

### Reasons

4. The application property comprises a detached two storey dwelling located on a modern residential development known as Martello Lakes to the north west of Dymchurch Road and to the south west of the main town of Hythe. Vehicular access is via a private road leading from Castle View and Admiral Drive which also serves a number of adjacent properties. Current parking provision was an open car barn with parking on a hardstanding in front, although as noted above, the car barn has now been enclosed with a roller shutter door. I also observed that the neighbouring property had similarly enclosed its car barn with a roller shutter door. In front of the property there is a wide hard surfaced pedestrian way which passes along the northern side of this part of the estate, and beyond that an area of informal open space.

5. The Council advises that the car barn was provided as part of the parking allocation for the property with two spaces being provided as required by the parking standards in force, one being the car barn and the other the hardstanding area in front. It is concerned that the enclosure of the car barn would make it less likely to be used for parking which would be likely to result in displacement of parking onto the public highway. In this respect, it is also pointed out that garages are no longer considered to be part of on-site parking provision. If repeated elsewhere throughout the estate, this would give rise to concerns about highway safety and convenience as well as harm to the character and appearance of the streetscene.
6. I can understand the Council's concerns in the above respects and agree it would be undesirable if the enclosure of car barns generally throughout the estate, resulted in displacement of parking onto the roads. However, in this particular instance, the car barn is set back beyond the rear elevation of the property which allows for a longer driveway to the side. Although that may not be to the requisite standard to accommodate two vehicles, in reality it does so and indeed within the grounds of appeal, there is a photograph of two vehicles being parked on the appellants driveway without causing any obstruction to the private access in front. In practise therefore, even if it transpired that the enclosed garage was not subsequently used for parking, the property could still accommodate two on-site parking spaces in accordance with standards and without any prejudice to inconvenience of other road users or persons requiring access along the private road.
7. I am also mindful that the property adjoins the public pedestrian path in front and the open space beyond and therefore might be more vulnerable to crime than elsewhere within the estate where there is likely to be more public surveillance. The National Planning Policy Framework advises in paragraph 119 that consideration should be given to ensure safe living conditions and an enclosed garage would clearly give an opportunity for greater security in that respect. I attach some weight to this in reaching my finding above.
8. Although the appellant also refers to a gravelled area on the other side of the property which could also be used for parking, I observed that this is of limited size and would be unsuitable for permanent parking. I have therefore discounted this from my assessment above.
9. The Council has drawn my attention to a recent appeal decision in 2021 at a nearby property, No 10 Castle View, where similar issues were raised<sup>1</sup> and the appeal was dismissed. In that instance the Inspector was concerned that the enclosure of the car barn would only allow for one on-site parking space if the car barn was not subsequently used for parking, and would thus result in a shortfall when measured against required standards. Having looked at that property on site, it is clear that because the car port is set forward on the side elevation, the hardstanding in front is clearly only capable of accommodating one parked vehicle. I can therefore appreciate the Inspector's concerns in that respect.
10. Walking around the estate, I also observed that the same arrangement at No 10 Castle View is repeated elsewhere with only one parking space being able to be accommodated in front of car barns attached to properties. I also noted that as my colleague pointed out, a number of other enclosures had been

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<sup>1</sup> Appeal reference APP/L2250/D/21/3277819

installed. However, there is no evidence before me as to whether such enclosures are lawful or not and they have not therefore influenced my findings in this case.

11. Pursuant to the above, I draw a distinction between properties elsewhere on the estate and the specific circumstances of the appeal property, where two on-site parking spaces can be accommodated on the existing hardstanding in practice, without any encroachment onto the access road.
12. Drawing the above together, I fully appreciate the Council's concerns to resist the enclosure of car barns which were an integral part of the estate development and where such enclosure may make it less likely for parking to be accommodated on site in accordance with parking standards agreed at the time. If repeated generally, such a situation would be harmful and detract from the well planned character of the estate. However, for the reasons set out above, I find that there are specific circumstances in this case which make the development acceptable and with no harm being caused. In that context it should not be regarded as a precedent for similar proposals elsewhere within the estate.
13. Having regard to the above, the development has not resulted in further pressures for on street parking and largely complies with parking standards as set out in Policy T2 and Interim Guidance Note 3 (ING3) Guidance Table for residential parking in the Folkestone & Hythe District Council Policies & Places Local Plan 2020.
14. A Condition for the development to be retained in accordance with the approved plans, is necessary in the interests of certainty and visual amenity.
15. Accordingly, the appeal is allowed and planning permission granted.

*Kim Bennett*

INSPECTOR