Appeal Decision

Site visit made on 24 January 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/H2265/D/22/3309146
23 Waterloo Walk, Kings Hill, West Malling, Kent ME19 4QS

- 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 Antony Farley against the decision of Tonbridge & Malling Borough Council.
- The application ref. TM/22/01340/FL, dated 20 June 2022, was refused by notice dated 8 August 2022.
- The development is for a proposed roller shutter, side door and dividing wall to cart barn.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

   - highway safety with regard to the provision of parking; and
   - the character and appearance of the local area.

Reasons

Highway safety and parking

3. The appeal site relates to a detached dwelling with two off-street parking spaces to the rear, one of which is contained in an open car port. It is located within a large estate of houses of differing size, design and detailing. Local access roads are relatively narrow with passing places for vehicles and bordered by attractive areas of soft landscaping. On-street parking in the surrounds is not restricted, for example by way of yellow lines, permits, time limits or a pay and display regime.

4. The Kent County Council Interim Guidance Note 3 November 2008(IGN3) provides the basis for residential parking policies across Kent. It states that in areas without on-street controls, many people do not use garages, even if they have to park on the street as a result. Garages are not therefore counted as parking spaces for the purposes of implementing IGN3, which sets out that 5 bed properties (such as the appeal property) in suburban/suburban edge areas should be allocated at least two vehicle parking spaces per dwelling. Consequently, the proposal to convert the open car port to an enclosed garage would result in the loss of a parking space, and this would result in only one space being available for the dwelling, contrary to IGN3.

5. At the time of my visit, on a Tuesday afternoon, I saw many of the open car ports in the area contained vehicles. Whilst I accept this is only a snap shot in time, it is an indication that the car ports are being used by residents for their intended purpose. Although sporadic, parking of vehicles upon the kerb was also evident, and where this occurred the carriageway would only be wide enough to allow a single vehicle to pass.

6. Whilst the appellant asserts that the appeal scheme would still allow for the retention of the garage for the parking of a vehicle, this cannot be guaranteed. I observed at my visit that the car port already contains storage units against the back wall, whilst the grounds of appeal accede that the garage would also be used for the storage of bicycles and other more valuable items, which would reduce the space available for a vehicle and, over time, the likelihood of it being used for its intended purpose.

7. With this reasoning in mind, and taking into account the findings of IGN3 in that many people do not use garages for parking, I consider that the appeal proposal would result in the loss of a parking space for the dwelling. I have not been provided with any robust evidence to justify this shortfall, for example in the form on street parking surveys and census evidence of low car ownership within the ward.

8. The loss of the parking space would increase demand elsewhere in the neighbourhood, which would include parking on estate roads. I share the Council's concerns that the local highways are not designed to accommodate on-street parking; they are constricted and stationary vehicles would lead to conditions prejudicial to the free flow of traffic. Moreover, parked cars would also result in passing pedestrians having to negotiate their way past, which would cause inconvenience and be materially detrimental to highway safety.

9. I acknowledge that the linear nature of the proposed roller shutter would not encroach upon land at the front of the existing cart barn and the second parking space to the front would be retained, and the internal wall need not restrict access to the neighbour's space within the car port. However, these points do not justify the harm I have identified above. I also note that the appellant would like to discourage crime, however I have not been provided with any compelling material in this regard to suggest that the neighbourhood is subject to undue levels of antisocial behaviour.

10. From the above and based on my observations, I am drawn to conclude that the proposal would result in harm to the highway safety with regard to the provision of parking. It would be contrary to policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 (CS) and policy SQ8 of the Council's Managing Development and the Environment Development Plan Document 2010 (DPD), which seek to provide parking in accordance with parking standards. The proposal is also inconsistent with the advice the National Planning Policy Framework which seeks to ensure development has an acceptable impact on highway safety.

Character and appearance

11. The local estate is modern and well maintained, with planned areas of soft landscaping and block paving to the roads and foot ways, all of which contributes to a pleasing urban environment. An increased incidence of on-street parking would negatively impact upon the surroundings, interrupting

views along the narrow and winding carriageways and resulting in an increased likelihood of damage to the verges and planted borders.

12. I consider that the scheme would therefore be detrimental to the character and appearance of the local area. This would contravene policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 and policy SQ1 of the DPD, which seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Other matter

13. The Council is concerned that the current proposal could set a precedent for other similar developments nearby. Each case must be considered on its own merits, but as there are numerous open car ports in the area I consider this to be a realistic concern. Allowing this appeal might make it more difficult to resist further similar proposals, which would cumulatively further exacerbate the harm which I have described above. My decision does not turn on this matter, but it adds weight to my conclusion.

Conclusion

14. Given my reasoning and having regard to all matters raised, the appeal is dismissed.

C Hall

INSPECTOR