



Appeal Decision

Site visit made on 14 May 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/J2210/D/23/3330539

7 Tyler Walk, Thanington Without, Kent CT1 3ZS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Armstrong against the decision of Canterbury City Council.
 - The application Ref is CA/23/01228.
 - The development proposed is for the installation of garage doors.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of garage doors at 7 Tyler Walk, Thanington Without, Kent CT1 3ZS in accordance with the terms of the application, Ref CA/23/01228, subject to the following condition:
 1. The two parking spaces provided within the garage shall be retained for the purposes of vehicle parking, for as long as the development remains in place.

Preliminary Matters

2. The garage doors the subject of this appeal have been installed and I shall therefore proceed to deal with the appeal as retrospective.

Main Issue

3. The main issue is the effect of the appeal scheme on highway safety with particular regard to the parking provision available for the appeal site.

Reasons

4. 7 Tyler walk is a three-bedroom semi-detached house set within a recently constructed housing development known as Saxon Fields. The two parking spaces allocated to this dwelling form two bays of a four-bay car port, with brick pillars to the front elevation separating each bay. Garage doors have been installed across the two bays allocated to the appeal property. The two further bays are allocated to another dwelling and there is a dividing wall separating the parking allocation.
5. Condition 4 attached to the reserved matters permission for the relevant phase¹, requires the car ports/barns to be retained solely for the purposes of vehicle parking, with no further enclosure by means of garage or other doors, gates, fence or other means of enclosure.

¹ Reference CA/17/02719 dated 1 June 2018.

6. My attention has also been drawn to condition 3 of that permission, which specifies that the areas shown on the approved plans for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The areas agreed shall thereafter be maintained for that purpose and in accordance with the car parking allocation as shown on the approved plans. The reason for both conditions 3 and 4 was in the interests of highway safety.
7. Policy T9 of the Canterbury District Local Plan 2017 (Local Plan) requires the provision of a minimum of 1.5 spaces per unit of this size. The two spaces provided meet this requirement, as also specified in Appendix 4 of the Local Plan.
8. At my site visit I noted that there is sufficient space within the garage for two cars to be parked and there is also a storage area in the form of shelving against the rear wall. The enclosure of the car port and any subsequent use not involving vehicle parking, for example storage, could have the effect of forcing cars which would otherwise be parked there to park in unauthorised or unsafe locations. The requirements of condition 3 of the reserved matters permission to maintain the car parking areas shown on the plans for that purpose, mitigates against this.
9. However, as the appeal scheme alters the type of parking provided in connection with the appeal property, in the interests of clarity I shall attach a condition specifying that 2 spaces shall be retained within the garage for the purpose of vehicle parking. This is necessary in the interests of ensuring the parking is retained and consequently maintains highway safety.
10. As such, the garage doors and the consequent creation of an enclosed parking area would not have a harmful effect on highway safety. It is in line with the overall aims of Policies DBE3 and T9 of the Local Plan, which, amongst other things, seek to ensure the safe movement of pedestrians, cyclists and cars and ensure adequate parking provision.

Other Matters

11. The style and colour of the garage doors matches those found across the estate and as such they are in keeping with the character and appearance of the area.

Conclusion

12. For the reasons given above the appeal should be allowed.

L Francis

INSPECTOR