
Appeal Decision

Site visit made on 2 October 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/T2215/D/24/3346260

3 College Place, Greenhithe, Kent DA9 9GF

- 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 Patrick Williams against the decision of Dartford Borough Council.
 - The application Ref is DA/24/00107/FUL.
 - The development proposed is conversion of an existing garage to office/gym and associated external works including the replacement of yard facing metal garage door with French doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Given the advanced stage of the emerging Local Plan, I attach significant weight to its policies.
3. I have used the description of development from the decision notice rather than the application form, as the latter was agreed in the application process. I have removed the term 'retrospective application' as that is not a form of development. The application form confirms that the development has been completed and I was able to see this during my site visit.

Main Issue

4. The main issue is the effect of the development on highway safety, with particular regard to the provision of parking.

Reasons

5. The appeal site includes a residential dwelling and a garage. The latter has been altered to comprise two interlinked habitable rooms, accessed from the appeal site garden. External garage doors have been retained but are fixed shut. This arrangement replaces one in which the garage allowed access to a parking space behind it, providing a total of at least two on-site parking spaces laid out in tandem, including the garage itself. The garage was some 2.4m wide internally, the entrance slightly narrower.
6. Policies DP3 and DP4 of the Dartford Development Policies Plan 2017 prohibit development resulting in severe impacts on the safety of pedestrians, cyclists and other road-users or in excessive pressure for on-street parking, and also require parking provision to accord with the adopted Parking Supplementary Planning Document (the SPD); the latter requirement is also part of Policy M16

of the emerging Local Plan (the ELP). The SPD requires 2 parking spaces at the appeal site as it is a 4-bed house and sets out minimum internal size requirements for garages at 3 or 3.5m wide, depending on length.

7. Planning permission was granted on 6 May 2021 for the erection of a single storey gym/office/occasional bedroom¹ on the area which once provided a parking space behind the garage. On the evidence before me, this decision undermines both the bedrooms-to-parking-spaces ratio contained in the SPD and the Council's reference to the loss of at least two parking spaces as a reason for refusing the appeal development. That said, the appeal development is different to the previous permission in that it results in the loss of all on-site parking spaces, including the one closest to the road and, therefore, most likely to be used. As a result, the previous permission does not justify the appeal development. Moreover, I have no evidence that the previous permission was commenced before it expired and, as such, have determined the appeal on the basis that at least two spaces have been lost.
8. The construction of the garage significantly predates the current development plan and SPD. There is no dispute between the parties that, prior to the appeal development, the appeal site garage was too narrow to meet the current minimum internal size requirements. I have no reason to doubt that the width of the garage and the tandem layout made parking within the appeal site challenging and inconvenient, or that the appellant has generally parked outside the site. None of this, however, demonstrates that the on-site parking could not have been used, or that parking outside the site is safe. Even if wide vehicles can safely pass a car parked alongside the garage doors, I have no evidence that the arrangement does not compromise highway safety in other respects, including for pedestrians, cyclists and other road-users such as those using the nearest formal parking bays.
9. In addition, I have very limited evidence that the current arrangement does not generate or contribute to excessive pressure for on-street parking. I appreciate that the appellant has provided a personal account in this regard, but it is not supported by a formal parking survey and, as such, carries limited weight. It may be that occupiers of the appeal site will continue to park outside the site in any event, but that does justify permitting a development which permanently removes the option of on-site parking for current and future occupiers.
10. Policy M17 of the ELP is referred to in the reason for refusal. This policy addresses community uses and is not relevant to the appeal proposal, therefore.
11. For the reasons set out above the development does not provide appropriate parking provision or demonstrate the absence of severe impacts on safety and on-street parking pressure. As such, it conflicts with the pertinent requirements of Policies DP3 and DP4 of the Dartford Development Policies Plan 2017. It also conflicts with the similar requirements of ELP Policy M16 and the SPD.

¹ ref 21/00096/FUL

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

A Knight

INSPECTOR