



Appeal Decision

Site visit made on 23 September 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/J2210/D/23/3330415

11 Fairbrass Way, Canterbury CT1 3ZL

- 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 Barbara Dobosova against the decision of Canterbury City Council.
 - The application Ref is CA/23/00952.
 - The development proposed is the insertion of garage doors to carport.
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Decision

1. The appeal is allowed, and planning permission is granted for the insertion of garage doors to carport at 11 Fairbrass Way, Canterbury, CT1 3ZL in accordance with the terms of the application, Ref CA/23/00952, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no 05149_MH02.
 - 3) The carport shall not be used at any time other than for the parking of vehicles ancillary to the residential use of the dwelling known as 11 Fairbrass Way, Canterbury, CT1 3ZL.

Preliminary Matters

2. The description of development in the banner heading and decision above has been taken from the Council's decision notice, as this better reflects the proposal. Given that there are two proposed garage doors, 'door' has been pluralised.

Main Issues

3. The main issue is whether the proposal will retain parking for 11 Fairbrass Way.

Reasons

4. Fairbrass Way is part of a planned housing development with off street parking, driveways, designated parking areas and purpose-built car ports. The appeal property has a designated double car port positioned behind the dwelling. It is orientated facing away from the dwelling.
5. The Council considers that the addition of garage doors would alter the car port to a garage and therefore additional parking would be required to comply

with the standards in Policy T9 of the Canterbury District Local Plan 2017 (CDLP). However, enclosing the car port with garage doors would not impede its ability to be used for parking vehicles.

6. My attention has been drawn to a condition imposed on the original applications for the estate (CA/15/01479 and CA/17/02719), which requires car ports to be retained solely for vehicle parking and prevents them from being enclosed. This condition was imposed in the interests of highway safety and to ensure local parking standards are met.
7. The addition of the proposed doors would not prejudice highway safety. The garage doors would not alter the way that the carport would be accessed and therefore cars would be able to safely enter and exit the site.
8. The installation of the doors would not result in the loss of vehicle parking as the garage doors would maintain the dimensions required to accommodate a vehicle and a condition can be used to ensure that the car port is solely used for parking. Therefore, the carport maintains the ability to accommodate two cars and as a result accords with policies DBE3 and T9 of the CDLP.
9. For the reasons identified above, I conclude that the proposed garage doors would retain the allocated parking spaces for 11 Fairbrass Way. The development would therefore be compliant with Policies DBE3 and T9 of the CDLP insofar as they detail and request adherence to adopted parking standards.

Conditions

10. In addition to the standard time condition, it is necessary for a condition to list the approved plan in the interest of certainty.
11. A condition is required to control the use of the car port so that it is solely used for vehicle parking. This is necessary given the need to retain the car port for its intended sole use and to align with the intention of the original imposed condition.

Conclusion

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

V Goldberg

INSPECTOR