



Appeal Decision

Site visit carried out on 17 February 2025

by **Jennifer Vyse DipTP MRTPI DipPBM**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/J2285/D/24/3354078

9 Danzey Close, Castle Hill, Ebbsfleet Valley, Kent DA10 1DE

- 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 Ben Rooke against the decision of Ebbsfleet Development Corporation.
 - The application No is EDC/24/0075.
 - The development comprises part conversion of garage into a habitable room, with installation of window opening in the rear elevation.
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Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for part conversion of garage into a habitable room, with installation of window opening in the rear elevation at 9 Danzey Close, Castle Hill, Ebbsfleet Valley, in accordance with the terms of the application, No EDC/24/0075 and plan Nos TQRQM24155160722062 (Location Plan), 24/1050/01 Existing and Proposed Garage Plan) and 24/1050/01 Rev A (Existing and Proposed Elevations Plan).

Procedural Matters

2. The description of development set out above is taken from the Council's Decision Notice, as this accurately and succinctly describes the development for which permission is sought. The development has already been carried out, with the rear part of the garage now in use as home-working space.

Main Issues

3. The main issues in this case relate to the effect of the development on highway safety and on the character and appearance of the area.

Reasons for the Decision

Highway Safety

4. Among other things, the Council's Parking Standards SPD¹ require at least 1.5 parking spaces for a three-bed property such as this. The SPD sets out that to count as half a space, the minimum internal size for a garage should be 5.5m x 3.6m, or 7m x 3m.
5. As built, the appeal property had a drive and garage, purportedly providing the required 1.5 spaces. However, the evidence of the appellant is that, as constructed, the minimum internal dimensions of the garage are 2.835m x 6.977. Whilst the garage is slightly wider in places, pinch points are created by internal piers which reduce the width to the dimension stated. Whilst the length is there or

¹ Dartford Borough Council Parking Standards Supplementary Planning Document (adopted July 2012)

thereabouts, the shortfall in the minimum width would, in my view, significantly restrict the usability of the garage for the parking of anything other than a small vehicle. That calls into question whether the property was ever provided with the required 1.5 spaces, as defined in the SPD.

6. If the garage did not provide the required space in the first place, then conversion of part of it to a habitable room would not have resulted in the loss of a parking space. Even if the garage did provide a useable parking space, there is no evidence that the development undertaken has necessarily resulted in material harm in terms of highway safety. The officer's report states that there are limited places to park on the surrounding streets, commenting that the spaces are 'not un-allocated'.² However, as shown on the approved parking plan for the estate, submitted by the appellant, and as I saw during my visit, there are numerous unallocated on-street parking spaces in the locality. I recognise that the plan annotates some as unallocated visitor bays and some as unallocated parking bays, but any such distinction is not readily apparent on the ground, even were it enforceable.
7. Parking spaces in residential areas are required not just by residents, but also by visitors, delivery and servicing vehicles. With that in mind, the SPD states that whilst an element of allocated parking is good, as it ensures a sense of ownership and security, the remainder should be provided as unallocated spaces, which are more flexible than on-plot parking and can be a good way to cater for visitors and additional vehicles owned by residents where there are no on-street restrictions. It makes no distinction between visitor spaces and other unallocated spaces.
8. I saw nothing on my site visit to indicate that the on-street parking bays on Danzey Close itself, and on neighbouring streets, are allocated to specific properties or for visitors only. I see no reason, therefore, why residents might not park in those spaces if required. No road markings restricting on-street parking generally were in evidence either.
9. Paragraph 116 of the revised National Planning Policy Framework (the Framework) confirms that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or cumulative impacts would be severe. Given the availability of unallocated spaces in the locality, with no evidence of parking stress at the present time, I consider that even were the original garage to have provided the required space at the time of construction, it has not been demonstrated that its loss has, or is likely to have, resulted in parked vehicles materially impeding the free flow of traffic, causing unacceptable harm to the safety of pedestrians and road users. I find no conflict, in this regard, with policies M1, M2, M10, M15 and M16 of the Dartford Local Plan 2024 or with the Dartford Parking Standards Supplementary Planning Document 2012, which together and among other things, seek to protect such interests.

Character and Appearance

10. The Council takes no issue with the installation of the window to the rear elevation of the garage. Since it is at the rear of the property, at ground floor level, I have no reason to disagree.

² Paragraphs 5.11 and 5.18

11. Given my findings above, even were the conversion to have resulted in the loss of a useable parking space, the availability of unallocated bays in the vicinity is sufficient to ensure that any increase in off-plot parking would not necessarily result in inappropriate parking to the detriment of the open plan character of the surrounding area and street scene, nor would there be any harm to residential amenity in this regard. I find no conflict therefore, with policies M1, M2 and M10 of the Dartford Local Plan 2024, which together and among other things, seek to protect such interests.

Conclusion

12. Whether or not the garage as originally constructed was capable of providing a space in accordance with the minimum SPD dimensions, I have found no evidence that the development carried out has resulted in increased pressure on on-street parking to the degree that it impedes the free flow of traffic or otherwise causes unacceptable harm to the safety of pedestrians and road users. I find no harm either in terms of any adverse impact on the character or appearance of the area. Accordingly, for the reasons set out above, I conclude that the appeal should succeed.
13. Since the work has already been carried out in accordance with the submitted plans, no conditions are necessary.

Jennifer A Vyse
INSPECTOR