



Appeal Decision

Site visit made on 29 April 2025

By Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/H2265/D/25/3360419

2 Trevithick Drive, Wouldham ME1 3TZ

- 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 Thomas Warrilow against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/24/01796/PA.
 - The development proposed is described on the planning application form as "Retrospective Planning Permission. I apologise and did not realise I had to get planning permission to carry out this work. I spoke to my neighbour and got their permission to enclose my car port to use as a gym for my health reasons. This work has already been carried out and after contacting the planning division I am contacting you to hopefully prevent the change back because my car is still on the drive. I only have one car so will still be able to park on my driveway and not the road."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on highway safety.

Reasons

3. There is a structure originally used as a car port within the curtilage of the host dwelling that has been enclosed. This means it cannot be used for parking and the Council indicates that as a result the off-road parking space at the appeal site is only sufficient for one vehicle. This has resulted in a shortfall of one space as the parking standards require two. The Appellant only has a single car but this could not be controlled and may not be the case with future occupiers of the property. I note that the Appellant was unaware of the need for planning permission. However, this does not confer acceptability and I must consider the appeal on its own merits.
4. The carriageway in Trevithick Drive is relatively narrow and similar to others nearby in the wider residential area. In consequence, if a vehicle is parked in the carriageway there is a fairly restricted gap for others to pass, giving rise to an unacceptable risk of collisions. During my site visit I noticed that there was significant parking in the street. This tended to involve vehicles straddling the footway and road. By driving on the pavement such movements inevitably increase the risk to pedestrians, even if it is reduced for those in cars.

5. Moreover, those using wheelchairs or pushing prams are particularly at risk as they may well be forced off the footway and into the carriageway. Although only concerning a space for a single vehicle, by giving rise to either of the above scenarios the development would cause an undue deterioration in highway safety. A car parked near the host dwelling for the sake of convenience would be relatively close to the junction with Worrall Drive and at a bend in the road. This would make further demands on the attention of motorists passing this car while also reducing their reaction time. This would further increase the risks to road safety.
6. In the above circumstances even if most residents are aware of highway conditions and the likely presence of on-street parking, this will not necessarily acceptably limit the risk of accidents occurring given the restricted room for manoeuvre in the carriageway in particular. In any event, those new or relatively new to the area, which could include visitors, delivery drivers and new residents may well be unaware of such matters anyway.
7. The Appellant suggests that occupiers of the host dwelling have good access to public transport, although no specific details of matters such as service frequency and times have been provided. In any event, I saw that on-street parking is relatively common in the vicinity despite this availability. Because of the detrimental effects in relation to motorist and pedestrian safety, the flexible approach advocated in the Kent Vehicle Parking Standards that the Appellant draws attention to would not be appropriate in this instance.
8. The Appellant has identified a number of properties where development has taken place so that car ports are no longer available for parking. However, I have not been provided with the full details and background and do not know whether planning permission was granted in these cases. As a consequence, there is nothing to show that the Council's decision making has been unreasonably inconsistent.
9. In these circumstances it is concluded that highway safety has been harmed and the absence of any on-street parking restrictions do not justify accepting such a detrimental development. I recognise the desire of the Appellant to have a home gym for health reasons but this has been achieved at the unacceptable expense of road safety in the locality. There is conflict with Managing Development and the Environment Development Plan Document Policy SQ8, which aims to prevent such adverse effects as well as seeking compliance with parking standards. Because of the unacceptable impact on highway safety there is also a failure to comply with Paragraph 116 of the National Planning Policy Framework.
10. Taking account of all other matters raised, the appeal is therefore dismissed.

M Evans

INSPECTOR