



Appeal Decision

Site visit made on 11 November 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/A2280/D/19/3236100

41 Downland Walk, Chatham, Kent ME5 8AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Stevens against the decision of The Medway Council.
 - The application Ref MC/19/1420, dated 28 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as 'garage conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion at 41 Downland Walk, Chatham, Kent ME5 8AF, in accordance with the terms of the application, Ref: MC/19/1420, dated 28 May 2019, subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following plans and drawings (or any approved non material amendment to these plans):
 - Drawing Nos TAB/06/49, TAB/06/46, TAB/06/43, TAB/06/47 and TAB/06/48 A,

Preliminary Matters

2. The appeal property was granted as part of a larger development approved under reference MC2002/1507. Condition 6 attached to that planning permission states that *No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order.... shall be carried out on the land or buildings shown for the parking or garaging of vehicles or in such a position as to preclude vehicular access to a vehicle parking area.* The Council is of the view that the removal of the garage door and the insertion of patio doors would amount to development because these works would materially affect the external appearance of the building. I have taken the appellant's submission of a householder application for the works as agreement to the Council's proposition and considered the appeal accordingly.
3. During my site visit I observed that the original garage door has been removed and a new garage door installed in a different position further forward towards the road. The installation of the existing garage door does not form part of the proposal before me, which is shown on the submitted drawings, and therefore it is not something I have considered.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety and residential amenity, with particular reference to parking.

Reasons

5. The appeal property is a mid-terrace town house located on the western side of Downland Walk. I have not been presented with substantive evidence from either the Council or appellant, such as a parking survey to a recognised methodology, demonstrating the extent or otherwise of parking stress in this cul-de-sac. Nevertheless, I observed several cars parked in the street, most of which had mounted the kerb. This situation could get progressively worse in the evenings and weekends when most residents are likely to be at home. As such, from the evidence before me I consider the Council's concerns regarding on street parking pressures at peak periods to be plausible.
6. The property benefits from an off-road parking space on the driveway and partially within the integral car port. There is also an integral garage, which is intended to be used as a second off road parking space. The appeal scheme would replace the existing garage door with a patio door in order to facilitate the conversion of the garage to a bedroom. If completed, the works would prevent the garage from being used as an off-road parking space.
7. The Council's parking standards require three and four-bedroom dwellings to have two off road parking spaces. The appellant intends to retain only a single parking space and therefore the appeal property would be short of the Council's parking standard by one space. That said, the integral garage is shown on Drawing TAB/06/47 with dimensions of 6.29m by 2.59m. In practical terms the garage is narrower than 2.59m as there is an original soil vent half way along which further reduces the useable width. An analysis of around seventy car models by the appellant found an average vehicle width of 2.07m with the 95th percentile width being 2.2m. Thus, there would be very little room to open a car door if vehicles of these dimensions are parked in the garage.
8. In fact, the available space would be so limited as to make use of the garage as a parking space impractical, particularly if residents have difficulties with their mobility. In this respect I note that the appellant's wife is registered as disabled. Accordingly, it is understandable that Kent County Council suggests that the preferred width of a single garage is 3.6m and the Council's parking standards state that garages should be excluded (as a parking space) if less than 7m in length by 3m in width. The garage at the appeal site is well below these dimensions. Although the Council's standard is primarily aimed at new garages this guidance is nevertheless material to my assessment as it is an indication of what size a useable garage should be. As such, I share the appellant's view that the existing integral garage should not be considered a parking space as it is not practical to use it as such.
9. The parking space on the driveway at the appeal site is narrower than the garage due to the presence of brick piers. However, it is possible to pull forward of the piers and slightly overhang the pavement in order to exit a vehicle. Thus, the width of the forecourt space does not demonstrate the garage is wide enough to adequately function as a parking space.

10. Given the foregoing, it is entirely unsurprising that the occupants of other properties nearby have converted their garages and that the existing garage at the appeal site is used as a store rather than a parking space. Condition 6 of planning permission MC2002/1507 does not prevent the use of the garage for storage or require it to be kept free for its intended use as a parking space. Thus, even if this appeal were dismissed, it is highly unlikely the garage would be used as a parking space.
11. Accordingly, the appeal scheme would not result in additional pressure to park on-street. This pressure already exists because the garage is unusable as a parking space. Accordingly, the appeal scheme would retain the status quo in terms of the demand for on street parking. It therefore follows that the appeal scheme would not harm highway safety and residential amenity. In coming to this view, I have carefully considered the comments of the Principal Transport Engineer, but I have come to my own conclusions for the reasons given based on the evidence before me.
12. In conclusion, I find no conflict with Policy T13 of the Medway Local Plan 2003 (LP), which states that development proposals will be expected to make vehicle parking provision in accordance with the adopted standard. The policy does not require the standard to be met and for the reasons given there is justification for not doing so in this instance. Moreover, there would be no conflict with Policy BNE2 of the LP, which seeks to protect amenity when considering activity and traffic. It therefore follows that I find no conflict with Paragraphs 109 or 127 of the National Planning Policy Framework,

Conditions

13. Having regard to the advice in the Planning Practice Guide and the fact that the works have commenced, the only condition that I consider necessary to impose is that the proposal is implemented in accordance with the submitted drawings in the interests of certainty.

Conclusion

14. The appeal scheme is not in conflict with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain

INSPECTOR