



Appeal Decision

Site visit made on 18 December 2018

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2019

Appeal Ref: APP/V2255/W/18/3208770

12 Easton Drive, Sittingbourne ME10 3FE

- 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 James Ainsworth against the decision of Swale Borough Council.
 - The application Ref 17/506488/FULL, dated 15 December 2017, was refused by notice dated 2 February 2018.
 - The development proposed is a roof extension to create a new self-contained apartment, with off-street parking provision.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safety and convenience of highway users, drivers and pedestrians.

Reasons

3. The appeal site is located in a tight-knit residential area with a mixture of dwelling size and form. I saw on my site visit that on-street parking takes place in the vicinity of the site, including partially or wholly on footways and on shared surfaces, as well as on Easton Drive outside the appeal site. This narrows the road so that there is space for only a single car to pass in places. I appreciate that this is only a snapshot of local parking patterns, and given that my site visit was undertaken mid-morning on a weekday, it is reasonable to assume that there would be more on-street parking in the evenings and weekends.
4. In view of the suburban location the requirement for one parking space for the proposed two bedroom dwelling is reasonable. Due to the limited dimensions of the proposed space, which does not meet the dimensions specified by the Highway Authority, a parked car would overhang the access drive which serves a rear parking court. While the drive is relatively wide, I saw that cars parked opposite the site entrance on Easton Drive already reduce the space available for turning into the access, and an overhanging car would add a further impediment. I also have some sympathy with the local concern that, due to its configuration, accessing the parking space itself would require some manoeuvring, adding to the hazards for pedestrians, and making it less likely that it would be used for parking.

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5. I note that the appellant has provided a survey of parking spaces in the area. This is helpful in illustrating the pattern of parking, but from my observations on site I am not persuaded that it would be desirable for all the indicated spaces to be occupied, not least because this would restrict visibility on corners and make it difficult for two vehicles to pass. It is also unclear whether the parking survey is representative of parking in the area during the night, when demand for parking spaces would be at its highest. It is therefore not demonstrated that adequate on-street parking would be available nearby for the proposed dwelling.
6. I therefore find that due to the substandard dimensions of the proposed parking space, and the existing pressure for parking in this tight-knit area, the proposal would not provide adequate parking and is likely to result in parking in a manner that would restrict access for other drivers or that would place further demand the existing on-street parking capacity.
7. I conclude that the proposed development would be harmful to the safety and convenience of highway users, including pedestrians. The proposed development would therefore conflict with policies CP4, DM7 and DM14 of the Swale Borough Local Plan 2017, insofar as they seek to create safe and accessible places, safe vehicular access, convenient routes and facilities for pedestrians and cyclists, together with parking in accordance with the relevant parking standards taking into account the type, size and mix of dwellings and the need for visitor parking

Other Matters

8. I note the concern regarding the impact of the proposal on the character and appearance of the area, but as I am dismissing the appeal for other reasons I have not pursued this further. I recognise the benefits of providing additional housing in this location, but this does not outweigh the harm I have identified in relation to the main issue.
9. I have had regard to the impact of the proposed development on neighbouring residents, in terms of privacy, noise, smells and disturbance, but I am satisfied that in view of the close-knit pattern of development and existing level of mutual overlooking, the proposal would not have a significant impact on the living conditions of neighbouring residents. In reaching this conclusion I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010.
10. A representation has been made to the effect that the rights of an adjoining occupier would be violated under the Human Rights Act 1998, Article 1 of the First Protocol, if the appeal were allowed. However, as I have decided to dismiss the appeal, my decision would not lead to any violation.
11. I have had regard to the site's location in relation to the Medway Estuary and Marshes Special Protection Area and Ramsar site, which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. The Council has stated that mitigation is required, but as I am dismissing the appeal there is no need for me to consider this matter further.

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Conclusion

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations, which include the National Planning Policy Framework, indicate otherwise.
13. It is not suggested that the development plan is out of date, or that the Council does not have a deliverable five year supply of housing land. I have found that the proposed development would be harmful to the safety and convenience of highway users, including pedestrians and would, therefore, conflict with policies CP4, DM7 and DM14 of the Swale Borough Local Plan 2017. No material considerations have been identified that would warrant making a decision other than in accordance with policies in the development plan.
14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR