

<b>2.4 REFERENCE NO - 21/500137/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of fence to the front of carport (retrospective).		
<b>ADDRESS</b> 1 Kings Drive Faversham Kent ME13 8GS		
<b>RECOMMENDATION</b> - Grant		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town Council Objection		
<b>WARD</b> Watling	<b>PARISH/TOWN</b> Faversham Town	<b>COUNCIL</b> <b>APPLICANT</b> Mrs Emily Downs <b>AGENT</b>
<b>DECISION DUE DATE</b> 23/03/21	<b>PUBLICITY EXPIRY DATE</b> 23/02/21	

**Planning History for 1 Kings Drive**

18/501048/REM

Application for approval of reserved matters relating to appearance, landscaping, layout and scale of the proposed 196 dwellings pursuant to outline planning permission SW/14/0045 (access approved in detail).

Approved Decision Date: 22.06.2018

SW/14/0045

Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site.

Approved Decision Date: 17.02.2016

**Planning History for 1 Ashberry Close - as above plus:**

21/500182/FULL

Retrospective application for alterations to existing carport to create storage area.

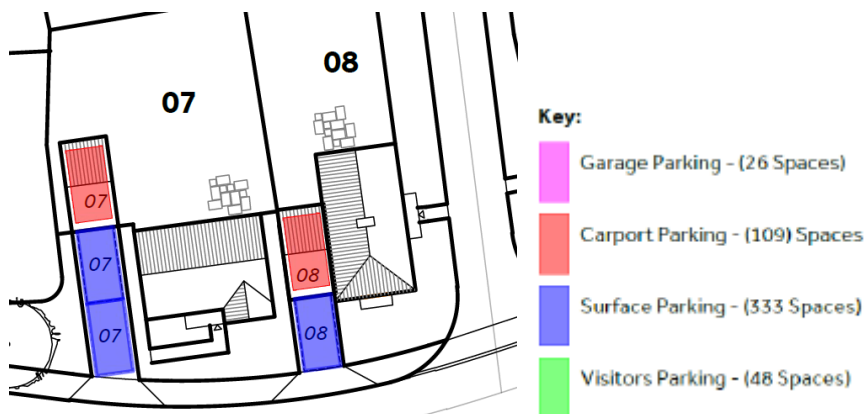
Refused Decision Date: 26.03.2021

**1. DESCRIPTION OF SITE**

- 1.1 1 Kings Drive is a newly built detached three bedroom dwelling set on a new development off Love Lane. It is shown below as Plot 07 on an extract from the approved layout drawing which formed part of application 18/501048/REM. The property was built with three on site vehicle parking spaces; one space being within a car barn with the other two spaces on the driveway to the front of the car barn. The Kent Highways IGN3 parking standards applying at that time only required two parking spaces to be provided, and in fact three in line 'tandem' spaces were never encouraged.
- 1.2 Car barns are a common feature across this estate, and are often seen at the far end of long driveways capable of accommodating two, or even three cars. In other situations they stand to the rear of just one parking space, and in these situations they are more

critical to meeting the minimum parking standards applicable when the houses were first approved.

- 1.3 Members should note that on adjacent plot 08 only two spaces were originally provided including the car barn. That property is now known as 1 Ashberry Close. A recent retrospective application for the full enclosure and conversion of the car barn here into a storage area was refused under delegated powers. This was because loss of the car barn had resulted in only one off road space being available for the property, which is not in accordance with IGN3, or the later Swale 2020 parking standards for a three bedroom home in this location.



## 2. PROPOSAL

- 2.1 This is a retrospective application as access to the existing car barn has recently been blocked by fencing to allow for a covered outdoor seating area rather than for use as a parking space. This is in breach of condition 17 of the reserved matters approval 18/50104/REM and required planning permission. Condition 17 reads as follows:

- 17) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the dwellings hereby approved are first occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 2.2 Although the car barn has now been enclosed by fencing there are still two off road parking spaces for occupants of the property to use, meeting the number required by IGN3, and by the more recent Swale 2020 standards.

## 3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

#### 4. POLICY AND CONSIDERATIONS

##### 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

DM7 (Vehicle parking)  
DM14 (General development criteria)  
DM16 (Alterations and extensions)

##### 4.2 Kent Highways Interim Guidance Note 3 'Residential Parking' was the parking standard applied by the Council when the property was first approved, and this indicated that for a three bedroom house in a suburban location where there are no, or very limited, on-street controls, where parking as to be provided 'on-plot', a minimum of two spaces per property should be provided. In this case more than the minimum parking provision was made available in the form of the car barn.

##### 4.3 Swale Borough Council's own car parking standards adopted 2020, which now seeks '2 to 3 spaces' for a three bedroom dwelling in a suburban location. This guidance specifically refers to car ports and car barns at paragraphs 50 to 55. Paragraph 52 states:

*'Where car ports and car barns meet the minimum standard (as outlined in Table 7 of this SPD), they will count towards the parking requirement in full. They must be subject to good design and the upright supports should not prevent the opening of car doors.'*

#### 5. LOCAL REPRESENTATIONS

##### 5.1 One letter of objection was received and this is summarised as follows:

- I agree with the comments of the Town Council
- The planning application should be refused and an order sent to the owner to change this back to its original use
- The parking strategy submitted by the developer have shown car barns for use as parking in addition to one parking space on a driveway
- A Site Plan was submitted on 22<sup>nd</sup> Feb 2018 which clearly states that there are two parking spaces for the property one of these being in the applied for car barn
- KCC Highways comments on the development state that parking for the site is already tight
- IGN3 points out the congestion of previous new builds and there have been many applications for conversion of garages at Finch and Hilton Close submitted and permitted as long as the garage door remains
- This is likely to happen on this site should this application be permitted, I assume the reason why carports were used on the site is to avoid the conversion into a habitable space
- If this is permitted it will set a precedent

## **6. CONSULTATIONS**

### **6.1 Faversham Town Council objects for the following reasons:**

1. It was a condition of the planning application that carports were provided to facilitate parking on the development as part of the parking plan
2. The Town Council does not wish to set a precedent of allowing vital off road parking facilities to be removed

## **7. BACKGROUND PAPERS AND PLANS**

### **7.1 All plans and documents relating to 21/500137/FULL.**

## **8. APPRAISAL**

8.1 In terms of design I consider that the alteration is acceptable and sits well within the streetscene, using timber close boarded fencing which is widely seen elsewhere on the site. However, in my view, the key consideration in the determination of this retrospective application relates to whether or not enough off road vehicle parking remains for the property, and whether the loss of the one vehicle space within the car barn may be harmful to highway safety and convenience.

8.2 In terms of the documents available at the time of determination of 18/501048/REM, the residential car parking for the development was determined in accordance with Kent Highways Interim Guidance Note 3 (IGN3). This document would class the location as suburban and would therefore require a three bedroom property to have two on-plot spaces. However, three spaces were actually provided by means of the car barn and two further spaces to the front of this. These two spaces are not affected by the loss of the car barn.

8.3 I note the initial comments from Kent Highways on 18/501048/REM who stated:

5. The relevant parking document adopted in Swale, IGN3, seeks that spaces are not provided in tandem arrangements, as evidence shows that these are not used efficiently because it is often more convenient to park the second (or third) vehicle on-street. The applicant was advised that to mitigate this, an additional 0.5 on-street provision should be provided close by. This even more relevant in this scheme, where the first space is predominantly being provided as a car barn (and often physically attached to dwelling) that is in effect enclosed on three sides by either a wall or fence, and is at risk of being easily transformed into a secure store, displacing the vehicle from it. Again the development is at risk of the footways, verges and turning heads being used for parking. It is also worth noting that parking standards in this location are expressed as a minimum, so it is expected that demand is likely to exceed the minimum values.

I consider that if the mitigation of additional on-street parking spaces cannot be provided, the form of parking for these relevant plots should be amended to facilitate independently accessible parking.

8.4 The developer subsequently amended the parking scheme, to which Kent Highways raised no objection, but a condition was requested by Kent Highways to restrict development that would preclude vehicular access to the reserved parking spaces shown on the approved drawings.

- 8.5 Whilst the Council has now adopted its own Supplementary Planning Document for car parking I feel that this current application should be assessed against IGN3 as that is the document that was in place at the time of approval in 2018. It has already been established that the new fencing has removed one of the car parking spaces for the property, but parking provision is still in accordance with the minimum parking standards within IGN3, as two spaces still remain.
- 8.6 However, if the Council's new parking standard were to be applied, this would indicate a minimum provision of '2 to 3 spaces' for a three bedroom house in this suburban location and thus the 2 remaining car parking spaces do indeed meet this minimum requirement.
- 8.7 Although approval of this application is the opposite decision to that recently made at the adjacent house, 1 Ashberry Close, the result of enclosing of the car barn there was that only retained one off road space was retained. In other words, the situation is quite different here as the originally required minimum (and current required minimum) parking provision is not retained in that situation.

## 9. CONCLUSION

- 9.1 On the basis of careful consideration of the facts of this individual case, and the implications of the works that have been done here, I consider that the property still retains the minimum amount of parking provision for a three bedroom house.

## 10. RECOMMENDATION - APPROVE

### CONDITIONS

None

### The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

