
Appeal Decision

Site visit made on 17 January 2017

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Appeal Ref: APP/A2280/W/16/3160833

Ulster, 174 Princes Avenue, Walderslade, Chatham, Kent ME5 8AL

- 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 Ian Gregory against the decision of The Medway Council.
 - The application Ref MC/16/1603, dated 8 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is construction of a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal property forms the rear part of the garden behind No. 174 which backs onto Scotby Avenue. Boundary fencing separates the garden from the footway and the land slopes steeply down to the host dwelling. The proposed new houses would take advantage of the slope by placing living areas on a lower ground floor with their main entrance above this entered at street level.
 3. The character of the area generally is defined by mainly late 20th century housing on the slopes of a steeply sided valley either side of Princes Avenue. However, there is no development on the short length of the west side of Scotby Avenue where it traverses the eastern slopes. This provides a brief but welcome sense of spaciousness in an otherwise fairly densely developed area. The absence of development also affords views across the valley for the occupiers of houses on the opposite side of the road. There is a garage at the rear of No. 172 accessed from Scotby Avenue, but this has a flat roof and is of little bulk seen from the street.
 4. In this visual environment, the appeal scheme would be conspicuous and out of keeping because of the bulk of the side elevations, which would contrast with and dominate the open street scene in Scotby Avenue. They would seem isolated and discordant seen from nearby properties but also from either direction travelling along the road. The flank walls would appear particularly out of place on descending the hill and turning the corner.
 5. For these reasons, the proposed development would fail to conform with the character and appearance objectives of policies BNE1 and H4 of the Medway Local Plan of 2003 (LP) which seek development that is appropriate in relation to the character, appearance and functioning of the built environment, respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area. Whilst the LP is of some age, it
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attracts weight according to the degree to which it conforms to the aims of the 2012 National Planning Policy Framework (NPPF). The aims of the relevant policies are similar to those of the NPPF.

6. Moreover, the 3 storey bulk of the rear of the dwellings would appear to tower above the rear gardens of the host dwelling and neighbouring houses because of the steep slope. Boundary treatment would ameliorate the impact to some extent, but it would be difficult to avoid a sense of being overlooked from upper floor bedrooms, the living areas and the outside relaxation area. Although the distances between the properties, on paper, would be well within acceptable standards, the difference in height in this case is crucial. In assessing this matter, I noticed the lower floor of the adjacent garage at No. 172 which has a large window looking over the gardens. The windows of the appeal scheme would be on built-up ground and well forward of that building. It is accepted that development in Walderslade is frequently carried out on hillsides and that distances between dwellings may often be smaller, such as at Peacock Rise. However, this case has been decided on its own particular merits.
7. The impact on residential amenity would conflict with the amenity protection aims of LP policies BNE2 and H9; and the objectives of a core principle of the NPPF at paragraph 17, which is that a good standard of amenity should be sought for all existing and future occupants of land and buildings.

Other matters

8. I have taken into account all the other matters raised, including instances where new development has been completed or is ongoing; and other cases of 'backland' development. However the exact details of these schemes are not before me. None of the situations referred to persuade me that a precedent has been created for the appeal scheme.

Conclusion

9. For the reasons given above, the appeal should not succeed.

Paul Jackson

INSPECTOR