
Appeal Decision

Site visit made on 10 January 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/A2280/W/16/3159343

78 King George Road, Chatham, Kent, ME5 0TT

- 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 & Mrs Len Debell against the decision of The Medway Council.
 - The application Ref MC/16/0996, dated 29 February 2016, was refused by notice dated 2 June 2016.
 - The development proposed is construction of a detached 3-4 bedroomed chalet bungalow with integral garage and all associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the locality;
 - The living conditions of the occupants of 78 King George Road with particular regard to outlook; and
 - The living conditions of future occupants with regard to amenity space.

Reasons

Character and Appearance

3. The appeal site is the side garden to a bungalow situated at the junction of King George Road and Brake Avenue. The proposal is for a chalet style bungalow fronting King George Road.
4. The appeal site lies within the urban area where policy H4 of the Medway Local Plan¹ states that residential development, including infilling, will be permitted provided it results in a clear improvement in the local environment. Policy BNE4 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.
5. The National Planning Policy Framework attaches great importance to good design, which it considers to be a key aspect of sustainable development, and should contribute positively to making places better for people. In so far as policy H4 seeks to balance the need to maximise residential development

¹ Adopted May 2003

opportunities against the need to safeguard the amenity of local neighbourhoods, I consider it to be broadly consistent with the Framework.

6. King George Road has a spacious character derived from the predominantly detached bungalows and chalet bungalows which are set back from the road. The proposed dwelling would reflect the informal building line of the existing properties in this part of King George Road. Although it would be taller than the existing dwelling there is a marked lack of uniformity in terms of the size, height and style of dwellings in this part of King George Road. I consider the proposed dwelling would be comparable with the height of other dwellings in King George Road.
7. The northern side of Brake Avenue, where the appeal site is located, has a spacious and verdant appearance. The openness provided by the appeal site contributes to this. Due to the irregular shape of the appeal site, the front corner of the proposed dwelling would extend close to the boundary with Brake Avenue. As a consequence of its rectangular footprint it would greatly reduce the openness of this prominent corner location. Due to its size and proximity to the boundary with Brake Avenue it would be a prominent and incongruous addition to the street scene. I acknowledge that the elevation facing towards Brake Avenue has been designed to provide visual interest, however, this does not overcome the harm that would arise from a dwelling of the size proposed in such close proximity to the corner.
8. The immediately adjoining property at 2 Brake Avenue was originally a bungalow, but has been extended to form a two storey dwelling. However, unlike the appeal proposal, it is set back from the road and maintains the spacious character of Brake Avenue. I am aware that the dwelling at 80 King George Road has been extended up to the boundary with Brake Avenue, but it differs from the appeal proposal in that the part of the property adjoining Brake Avenue is a single storey garage with a shallow pitched roof. Therefore, unlike the appeal scheme, it does not have an overbearing effect on the street scene.
9. Whilst I consider that the proposed dwelling would be compatible with the appearance of the existing dwellings within King George Road, for the reasons given above, I conclude that the proposal would harm the character and appearance of the surrounding area and would fail to comply with policies H4 and BNE4 of the Medway Local Plan.

Living Conditions - Neighbours

10. The Council's case is contradictory in terms of whether the proposal would provide acceptable living conditions for the occupants of the existing and proposed bungalows. The original Officer's report found that the proposal would provide a suitable amount of external amenity space as well as adequate light and outlook. However, an addendum to the report states that the patio window to the existing property is the only window serving the habitable room concerned and this window would be separated from the proposed dwelling by about 2 metres. Having regard to the reason for refusal I have assumed that the addendum report represents the Council's current position in relation to this matter. The appellant states that the patio doors are a secondary source of light to the room which benefits from two windows to the front of the property. I have no reason to doubt that this is the case and consider that the proposal would not unacceptably harm the outlook of the occupants of 78 King George Road.

11. Whilst the existing garden would be reduced in size, the dwelling is a modestly sized bungalow and I am satisfied that the remaining garden would be of a sufficient size to provide an acceptable standard of amenity for the occupants.
12. I therefore conclude that the proposal would not harm the living conditions of the occupants of 78 King George Road and would comply with Local Plan policy BNE2 which amongst other matters seeks to safeguard the amenities of adjacent occupants.

Living Conditions – Future Occupants

13. The proposed dwelling would have a small garden to the rear and side. The side garden would adjoin Brake Avenue. Although the proximity of the side garden to Brake Avenue could limit privacy, this area is currently used as a side garden, and subject to a suitable landscaping scheme I am satisfied that it could provide an acceptable level of privacy. I consider the side and rear gardens would together provide a satisfactory amenity space for future occupants and would comply with policy BNE2.

Other Matters

14. The Council advise that the application site lies within 6km of the North Kent Marshes Special Protection Areas (SPAs)/Ramsar Sites and that the proposal is likely to have a significant effect, either alone or in-combination, on the coastal North Kent SPAs/Ramsar sites from recreational disturbance on the over-wintering bird interest. In order to mitigate the effect of such disturbance the Council seeks a financial contribution towards strategic access and management measures across the Thames, Medway and Swale Estuaries. Although the appellant has submitted a unilateral undertaking agreeing to pay this tariff, since the proposal is unacceptable for other reasons, I have not considered the obligation in detail.
15. The Framework establishes a presumption in favour of sustainable development, and I have noted the sustainability benefits of the proposal cited by the appellants. However, the Framework does not adopt a narrow definition of sustainability. Indeed, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice. Amongst other matters it confirms that good design is a key aspect of sustainable development and is indivisible from good planning. For the reasons given above the appeal scheme would not represent good design. Whilst the proposal would deliver benefits in terms of a new dwelling within an existing urban area, in this case, the sustainability benefits do not outweigh the harm to the character and appearance of the area that I have identified above.

Conclusion

16. I have found that the proposal would provide satisfactory living conditions for future occupants and occupants of the existing dwelling. Notwithstanding this, the harm to the character and appearance of the surrounding area is a compelling and over-riding objection to the proposal which would fail to comply with the development plan as a whole.

Lesley Coffey

INSPECTOR