
Appeal Decision

Site visit made on 14 February 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/A2280/W/16/3161195

20 Albury Close, Lordswood, Chatham ME5 8UW

- 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 Charles Selfe against the decision of The Medway Council.
 - The application Ref MC/16/3304, dated 2 August 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a new 2 bedroom dwelling within site boundary of 20 Albury Close.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal submission, the appellant submitted amended drawings for the proposed development. When compared to the original scheme the amendments include changes to the proposed parking with 2 parking spaces to be provided with the new dwelling, and a single space for No 20 Albury Close. I consider this is not a minor change to the scheme with implications for the provision of amenity space for the new dwelling, and a different drop-kerb arrangement within the turning head.
3. I note that the Council were aware that revised drawings had been submitted, nevertheless they have objected to the submission. Although a small number of the interested parties have commented on the revised drawings as part of the appeal, I cannot be certain that all those with an interest in the scheme have had an opportunity to comment on the revisions. I am not satisfied that I can take the plans into account without prejudicing the interests of the Council and other parties. I have therefore determined the appeal on the basis of the original plans.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on driver and pedestrian safety; and,
 - ii) The effect of the proposed development on the North Kent Marshes Special Protection Area (SPA)
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Reasons

Driver and pedestrian safety

5. The appeal site is located within a residential area which consists of two storey terraced houses. Some of houses have gardens given over to parking and hardstanding, and there are parking areas and garages to the rear of some of the properties. The appeal site has a large side garden with a single storey garage and parking. The proposal is for a two storey dwelling to the side of No 20 Albury Close. The scheme would result in the loss of the existing garage and parking space. It would provide two parking spaces for No 20 and one for the new dwelling.
6. Albury Close is a cul-de-sac. The road is narrow and cannot properly accommodate parking on both sides of the road. There is a sharp bend where the road turns to the south close to No 20. Although the corner of the bend has a wide pavement, views for drivers turning to the south are somewhat limited by the tall fence, garage and shed of No 19. There is a small turning head adjacent to No 20. At the time of my visit during mid-morning this was occupied by two vehicles. There were also cars parked along the street, with some free spaces. Cars were also parked quite far on to the pavement on the side of the road on which No 20 is located. There was some parking available on Abinger Drive to the east, although this is generally on the opposite side of the road to Albury Close with no crossing places available. I accept that this was only a snapshot in time. However, it seems to me that during the evenings and weekends the availability of on street parking spaces would be reduced significantly.
7. Policy T13 of the Medway Local Plan 2003 (LP) sets out that development will be expected to make parking provision in accordance with the Council's parking standards. The parties refer to the Council's Interim Parking Standards. This requires the provision of a minimum of 1.5 parking spaces for a two bedroom dwelling. The Council indicate that the two dwellings would not be provided with sufficient parking space to meet that standard.
8. I note that a reduction of standards can be considered favourably if the development has good links to sustainable transport, and where day to day facilities are within easy walking distance. A condition was also proposed by the appellant to secure the provision of reduced parking arrangements for both dwellings prior to commencement of development.
9. The site is located close to a bus route from Chatham town centre, and there is a small shopping centre close by which provides for some everyday needs. Therefore, a lower parking requirement may be acceptable. There are other services and facilities including a primary school and leisure centre although these are slightly further away. I have not been provided with details on the times bus services run except frequency during the week or the links to other forms of transport. It is also likely that occupiers would need to make use of the private car to access major services and facilities and therefore I consider the parking requirements are justified.
10. The parking area for No 20 would be small, and would not be of a sufficient size to accommodate two cars side by side. This would be very likely to lead to additional parking elsewhere, including on the pavement. I consider this would intensify the level of partial obstruction on the pavement, and in turn increase

difficulties for pedestrians using the Close. Furthermore, it would also decrease the level of visibility for cars reversing onto the highway close to the sharp bend. Having regard to the width of the road, such parking and manoeuvring would be likely to cause inconvenience for other road users.

11. For the reasons given above, I conclude that the proposed development would cause harm to driver and pedestrian safety. It would be in conflict with Saved Policies BNE2 which seeks all new development to protect the amenities enjoyed by nearby and adjacent properties, and T13 of the LP.

North Kent Marshes

12. Although not a reason for refusal, the Council have advised that the proposal would require mitigation for the effect of the development on the SPA. This would be in respect of the effect of new development on recreational disturbance to over-wintering birds within the SPA. A tariff has been agreed between Natural England and the affected planning authorities, and the Council indicate that a contribution would be required. It is anticipated that this would be secured in the form of a Unilateral Undertaking.
13. I accept that the appeal site is some distance from the SPA and the appellant disputes the need to make a contribution. However, I note the Council refer to there being a likely significant effect either alone or in-combination with other proposals, and no Undertaking is before me. Consequently, I cannot be certain that a scheme would be put in place that would provide adequate measures to avoid or mitigate potential adverse effects on the SPA. The proposed development would be in conflict with saved Policy BNE35 of the LP and would be contrary to the National Planning Policy Framework where it relates to conserving and enhancing biodiversity.

Other matters

14. The Council does not object to the detailed design of the proposed dwelling and indicates that the scheme would provide satisfactory living conditions for existing and future occupants in respect of indoor and outdoor space. Based on observations on my visit and the evidence before me, I see no reason to disagree with these matters. However, these are not sufficient reasons to overcome the harm that I have found.

Conclusion and balance

15. The appellant submits that the Council do not have a five year supply of housing land. I find the evidence in this regard inconclusive. Nonetheless, even if there was not such a supply, I consider that the contribution the proposal would make towards addressing any undersupply does not outweigh the harm that the scheme would cause to driver and pedestrian safety, and the SPA. It is thus not sustainable development for which there is a presumption in favour.
16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR