
Appeal Decision

Site visit made on 27 February 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/K2230/W/16/3162138

26 Shrubbery Road, Gravesend, Kent DA12 1JW

- 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 P Singh against the decision of Gravesend Borough Council.
 - The application Ref 20160675, dated 1 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is the change of use of land to residential curtilage and erection of a detached storage shed.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Much of the documentation relating to this appeal refers to the ownership of the land in question. As far as this is relevant to the appeal, it is not alleged that the application and the appeal are not validly made and I have no reason to question this. Beyond this, the matter of ownership does not affect the planning merits of the scheme.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the listed building and conservation area.

Reasons

4. The appeal property is one of 5 terraced houses which are located in the Windmill Hill Conservation Area. The properties have a semi-basement and 2 floors above, are of brick construction with slate roofs. They are an attractive feature within the conservation area and are Grade II listed. The rear gardens of the properties are small and are enclosed by a brick wall, with entrances onto the land to the rear.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In accordance with the *Barnwell Manor* case, I have given considerable

importance and weight to this in determining the appeal. Further, in Section 72(1), in relation to land or buildings in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

6. The land in question makes up part of a larger area sitting beyond the rear gardens of the terraced properties. Visually, it appears as part of the public open space sitting beyond; however, it is separated by a chain-link fence and is not owned by the Council. Evidence submitted with the appeal documents indicates that the land is often overgrown (although parts have been cleared) and that it attracts tipping. I also note that a small out-building has been constructed further along the terrace from the Rouge Lane frontage; the Council indicates that this has been done without planning permission. The proposal seeks approval to erect a shed built of brick walls and a slate roof and to enclose the site with metal railings
7. Part of the charm of this listed terrace lies in the modest and intimate form, being set on this hill-side against the backdrop of trees. The opposite side of Rouge Lane is well treed and the small rear gardens of the terrace give way to dense planting beyond. I consider that these features make a positive contribution to the setting of the listed terrace and to the character and appearance of the conservation area.
8. It is clear that the proposed building would be readily visible from Rouge Lane and separated from it by only a short distance. Within the context that I have described, I consider that it would appear incongruous, being separated from the rear of the terrace and within the green area beyond their rear gardens. The size of the building and the enclosure with railings would make the proposal appear significantly out of place. I have taken account of the existence of the other out-building which has been erected without planning permission; I do not consider that this represents a desirable precedent and in the circumstances, does not compel me to look favourably on the appeal scheme.
9. I appreciate that the site may have been the subject of unauthorised tipping in the past and that this may be a cause for concern. However, I do not consider that the harmful effects of the proposal are outweighed by any benefit in this respect.
10. For the reasons set out, I consider that the proposal would fail to preserve the setting of the listed building and would fail to preserve or enhance the character and appearance of the conservation area. In relation to the National Planning Policy Framework, I consider that the harm is 'less than substantial harm'. I have sought to balance this harm against the public benefits but find that the harm is not outweighed. As a consequence, the proposal is contrary to Policies CS19 and CS20 of the Council's Core Strategy, Saved Policies TC2 and TC3 of the Gravesham Local Plan First Review 1994 and the advice in the Framework. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR