
Appeal Decision

Site visit made on 24 April 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/V2255/W/17/3169416

**Land south of 30 Seaside Avenue, Minster on Sea, Sheerness, Kent
ME12 2HA**

- 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 Malro Investments Limited against the decision of Swale Borough Council.
 - The application Ref 16/507410/FULL, dated 11 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the construction of a one bedroom bungalow with associated parking.
-

Decision

1. The appeal is allowed and permission is granted for the construction of a one bedroom bungalow with associated parking on Land south of 30 Seaside Avenue, Minster on Sea, Sheerness, Kent ME12 2HA, in accordance with the terms of the application, Ref 16/507410/FULL, dated 11 October 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The proposal is for the construction of a one bedroom bungalow on a narrow disused building plot on the western side of Seaside Avenue. The bungalow would be about 4.3 m wide, 13.4 m long and 5 m to the ridge which would run the full length of the building with a gable end facing the road.
4. Seaside Avenue forms part of a grid pattern of roads lined on both sides with building plots, which together comprise a well-established residential estate near to the coast. The plots have been developed and many subsequently redeveloped with a variety of individual bungalows, chalet bungalows and two-storey houses, mostly detached. In each road the plots are generally of similar depth but there is some variation in plot widths.
5. On one side of the appeal site lie three low profile bungalows, Nos 30-34, with plot widths between about 12 m and 13.5 m. Alongside these the proposal, on a plot just 6 m wide, would appear unusually narrow. However, the bungalow

would not appear cramped on its plot or overdevelopment as there would be gaps of about 1 m and 0.8 m from the two side boundaries which would be similar to other side gaps in the area. The proposal would also respect the height and front building line of Nos 30-34 and not project beyond the rear of those properties. On the other side of the appeal site lies an individual two storey house on a large corner plot, No 26. The new bungalow would sit back slightly behind the front elevation of this house, which together with existing and proposed vegetation on the common boundary would largely screen it from view when approaching from the south.

6. The various bungalows and two storey properties on the opposite side of the road are also on wider plots, with the narrowest, Nos 25-27, being about 10 m wide¹. Within this short stretch of Seaside Avenue, which is the immediate context in which the proposal would be seen, the bungalow would certainly appear unusually small on its narrow plot. However, although noticeably of different width, it would simply add a further individually designed dwelling to the existing variety of properties along the road.
7. A wide variety of properties along the grid pattern of roads, each set back behind a front garden/driveway with consistent building lines, is the key characteristic of this residential area. The proposal would conform to this pattern. Whilst most of the building plots along the roads are significantly wider than the appeal site, others are similarly only about 6 m wide. Some of these are developed with terraced houses, a different building type and thus not comparable, but there are a few examples of detached properties on narrow plots and these were seen on the site visit.
8. There are narrow fronted bungalows very similar to the appeal proposal at No 31 Seathorpe Avenue, two together at Nos 63 and 69 Abbey View Drive, and a narrow fronted two storey house at No 36 Augustine Road. These properties are also unusually small in their immediate context but add acceptable variety to the street scene. Narrow properties may be unusual on the estate but do not harm the character and appearance of the area and this would also be true of the appeal proposal.
9. For these reasons the proposal would not cause significant harm to the character and appearance of the area and would therefore comply with Policies E1 and E19 of the Swale Borough Local Plan 2008, Policies CP4 and DM14 of the emerging Local Plan and paragraph 64 of the National Planning Policy Framework. These seek to ensure development is of a scale, design and appearance that is appropriate to the location and of high quality design in relation to its surroundings.

Other matters

10. The bungalow would be well screened from No 26 by close boarded fencing and tall vegetation along the common boundary. There is also an intervening single garage. A two storey house to the rear known as Justem would have oblique views into the rear garden of the bungalow, but intervening vegetation, the garden depth of 10 m and a condition to require adequate boundary screening would be sufficient to protect the mutual privacy of the occupiers.

¹ Nos 33-35 are narrower, but as semi-detached houses these are not a comparable building type.

11. In relation to the adjacent bungalow No 30, the proposal would lie just 1 m from the common side boundary which is marked by a medium height close boarded fence. No 30 has an irregular layout with windowless flank walls to the front and rear but a small courtyard in between which adjoins the appeal site. The proposed layout of the new property would include two side windows facing this courtyard which, unless relocated, would allow mutual interlooking into a side facing bedroom window and oblique interlooking into a secondary lounge window from close quarters. However, a condition to ensure obscure glass in these two windows would protect the mutual privacy of the occupiers. In addition, privacy from those using the passage could be protected by raising the fence height at this point under a condition to ensure satisfactory boundary treatment. The relationship of the courtyard windows to the boundary fence already creates a sense of enclosure and the flank wall/pitched roof of the bungalow would not add significantly to this or lead to an undue loss of light.
12. Representations were made to the effect that the rights of the adjoining occupier of No 26 under the Human Rights Act 1998, Article 1 of the First Protocol, would be violated if the appeal were allowed. This argument is not considered to be well-founded because the proposed development would not cause unacceptable harm to the living conditions of the occupier. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol.
13. All the other objections raised against the scheme have been carefully considered. The single parking space proposed meets the standards of the local highway authority and parking to the front is not uncommon in the vicinity. Any effect on the demand for on-street parking and thereby highway safety would only be marginal. Use as a holiday let is not precluded in the area generally and the appearance of a small chalet is not objectionable in itself. The noise and disturbance arising from additional residents would be minimal and to be expected in a built up area. Finally, each case must be judged on its own merits and there are few other plots of similar width.
14. The Council suggested several conditions should the appeal be allowed and these have been assessed against the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty and to control the materials to be used to ensure the satisfactory appearance of the dwelling. Further conditions are necessary to ensure sustainable construction techniques are employed, to require a landscaping scheme and its maintenance and to ensure the parking space is provided in the interests of sustainability, appearance and highway safety respectively. Finally, conditions are necessary to control working hours and, as explained above, to ensure obscure glazed windows and adequate boundary screening to protect the interests of adjacent occupiers.

Conclusion

15. The proposal would provide an additional dwelling in a sustainable location which would have social and economic benefits for the area and make a small but useful contribution to housing land supply. It would not cause significant harm to the character and appearance of the area, would make good use of an untidy, disused plot and, with appropriate conditions in place, the living conditions of adjacent occupiers would be adequately protected. The Parish Council fully supports the proposal.

16. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16.56-SK01 and 16.56-SK02.
- 3) No development above slab level shall take place until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.
- 4) No development shall take place until full details have been submitted to and approved in writing by the local planning authority which set out what measures are proposed to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. The development shall then be carried out strictly in accordance with the approved details.
- 5) No development above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, and an implementation programme. All hard and soft landscape works shall then be carried out strictly in accordance with the approved details prior to first occupation of the dwelling hereby permitted or in accordance with the programme agreed in writing by the local planning authority.
- 6) Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

- 7) Prior to first occupation of the dwelling hereby permitted the area shown on the approved plans as vehicle parking shall be made available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking or re-enacting that Order, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.
- 8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless as a result of an emergency.
- 9) Prior to the first occupation of the dwelling hereby permitted, the window serving the bathroom on the south west elevation and both windows and side door on the north eastern elevation shall be obscure glazed and non-opening (other than a top light no less than 1.7 m above finished floor level) and shall be kept as such at all times thereafter.
- 10) No development shall take place until full details of fencing, walling and/or other boundary treatments have been submitted to and approved in writing by the local planning authority. Such boundary treatment shall then be erected as approved prior to first occupation of the dwelling hereby permitted and retained at all times thereafter.