
Appeal Decision

Site visit made on 2 May 2017

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 26 May 2017

Appeal Ref: APP/V2255/W/17/3168402

Land south east of 1-3 Wells Way, Faversham ME13 7QW

- 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 Billy McQuoid against the decision of Swale Borough Council.
 - The application Ref 16/507270/FULL, dated 4 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is 2 bedroom bungalow with parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whilst the potential impact of the proposal on privacy is not referred to specifically within the Council's decision notice, it is considered within the Council's officer report and has been raised by a number of interested parties. The appellant has had an opportunity to respond to these concerns as part of the appeal process. As such, I am satisfied that my intention to consider the appeal on this basis will not prejudice the interests of any party.
3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether or not the proposal would achieve acceptable living conditions for its potential future and neighbouring occupiers, with particular regard to amenity space and privacy.

Reasons

Character and appearance

4. The appeal site is located within an established housing estate and comprises a relatively modest area of grassed open space, which contains three trees. The site is irregular in shape, with public footpaths bordering it to the rear and side and, to the front, a parking area adjacent to the estate road turning head. Pairs of two-storey semi-detached dwellings exist around the site. The siting of these existing dwellings follows a clear pattern, with most of the houses in regular rows facing towards the highway, but separated from it by front gardens and driveways.
 5. This layout, the largely unenclosed front gardens and the relatively wide road with footways to either side results in this part of the estate having a generally open and spacious residential character. The appeal site, due to its prominent siting and verdant appearance, is a distinctive element within the streetscene and contributes
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significantly to this sense of openness. In addition, the three trees within it, whilst not excessively large, make a positive contribution to the visual qualities and character of the area.

6. The proposal seeks to develop the appeal site with a single-storey dwelling. Whilst relatively modest in size, its built form would extend across a significant part of the site, with the remainder largely occupied by two parking spaces and an area of amenity space, which would be enclosed by a boundary wall. Due to the single-storey form of the dwelling, the limited space around it and the partial enclosure of the site, the proposal would be materially at odds with the broadly consistent character of the established neighbouring development.
7. Furthermore, as a result of its prominent siting, visually and physically detached from other development nearby and materially at odds with the existing pattern of built form, the single-storey appeal dwelling would appear as an obtrusive and incongruous form of development, unrelated to the other development around it. As such, overall, it would be an unsympathetic addition to the streetscene and significantly detrimental to the character of the area. The loss of the existing area of green space and trees would exacerbate this harm.
8. Consequently, I conclude that the proposal would be unacceptably harmful to the character and appearance of the area. It would conflict with the *Swale Borough Local Plan 2008* (LP) Policies E1 and E19, where they seek to protect local character and appearance. It would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve high quality design and take account of the different roles and character of different areas.

Living conditions

9. From the highway, the proposed boundary wall would restrict views into the main living area of the dwelling. Some limited separation from the adjacent footpaths would be provided by areas of planting to the bedroom, kitchen and dining room windows to the side and rear elevations of the dwelling. Due to their size and relationship to the windows, these areas would be unlikely to provide significant screening. As a result, due to the siting and design of the proposal and its close proximity to the adjacent paths, I am not satisfied that the development would provide an appropriate level of privacy for its potential future occupiers.
10. Notwithstanding my findings on character and appearance above, the proposed boundary wall would enclose an area of private garden within the site. I recognise that individual requirements for amenity space are likely to vary and, taking into account the relatively limited size of the proposed dwelling, I consider that, whilst modest, the amount of space proposed would not be unacceptable and would be reasonably likely to meet the needs of some potential occupiers.
11. Due to the limited height, single-storey form, modest scale and detached siting of the proposal, some distance from other properties, I am satisfied that the appeal scheme would not lead to a harmful loss of light, privacy or outlook for existing occupiers neighbouring the site. However, neither this matter nor the provision of amenity space would address the harm identified above.
12. As a result, overall, I conclude that the proposal would not achieve acceptable living conditions for its potential future occupiers. Whilst it would meet LP Policy E1, where it seeks to avoid harm to existing residential amenities, the proposal would not be in accordance with the overall cumulative aims of LP Policies E1 and E19, where they seek high quality siting and design to ensure the creation of an appropriate living environment for future occupiers. It would also not meet the

aims of paragraph 17 of the Framework, to achieve good standards of amenity for all existing and future occupants of land and buildings.

Other matters

13. The proposal would result in the development of one new dwelling, which would be designed to be particularly suitable for older people and would be located within reach of a wide range of local facilities and services. As such, it would make some contribution to meeting local housing needs, as well as being very likely to lead to support for local services, both during construction and after occupation. Given the scale of the proposal, I consider these benefits would be likely to be relatively limited. Nonetheless, having regard to the general support for such development in the Framework, I give them moderate weight.
14. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
15. For the reasons given, I conclude that the harm identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal. The potential harm that would result from unacceptable living conditions for future occupiers adds further weight to those findings. Consequently, considered overall, I find that the appeal scheme would not represent sustainable development and, from the evidence available to me, would not be in accordance with the development plan as a whole.
16. My attention has also been drawn to two other dwellings nearby, which were allowed in recent appeal decisions. I saw these properties on my visit to the area. I do not have full details of these other developments or the background to those decisions. Nevertheless, from the evidence available to me, the siting and context of these new dwellings and their relationship to the established development around them, including in relation to their design and layout, do not appear to be directly comparable to the scheme before me. As such, these previous decisions do not represent a compelling reason to allow the appeal, which I have considered on its merits and in light of all representations made.
17. Concerns have also been raised in respect of number of other issues, including in relation to access, parking and restrictions on the use of the site. However, given my findings above, it is not necessary for me to consider these further, as they would not lead me to alter these findings.

Conclusion

18. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR