
Appeal Decision

Site visit made on 19 April 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/A2280/W/17/3166530

Garage, Pepys Way, Strood, Rochester, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Thomas Draper against the decision of The Medway Council.
 - The application Ref MC/16/3194, dated 25 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is demolition of garage and building of a one bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration. As such the submitted floor plans and elevations are purely indicative. The appeal is considered on this basis.

Main Issues

3. The main issues are:
 - The effect of the building of a one bedroom chalet bungalow on the character and appearance of the area; and
 - Whether the proposal would be likely to have a significant effect on the North Kent Marshes Special Protection Area (SPA) and Ramsar site.

Reasons

4. The site for the new dwelling would be formed from an area of land containing a garage on the junction of Pepys Way and Broom Hill Road. The plot would not be as wide or deep as those around it. In particular it would be in stark contrast to the east side of Pepys Way which is typified by pairs of semi-detached dwellings with generous plot sizes.
 5. The site would be irregular in shape and this would influence the size and position of the new dwelling. The new plot would not be as deep as those opposite. Further due to the irregular shape the indicative site plan shows that the dwelling would be positioned close to one of the boundaries. This would leave a narrow and irregularly shaped piece of the site for the garden area for the dwellings.
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6. The appellant submits that the level of the dwelling could be made comparable to those around it and that the design and materials could reflect the local vernacular. However, due to the site constraints, the illustrative plans show that resulting form would be a dwelling that is limited in footprint with an irregularly shaped garden area. This would not reflect the wider frontages of existing dwellings in Pepys Way. In addition the illustrative plans demonstrate that to provide a first floor the building would include a sizeable roof addition. Therefore, overall the provision of a dwelling on a prominent site would stand out when viewed alongside the existing single storey buildings and open rear garden areas. Therefore, whilst appropriate materials could be secured, this would not overcome the fundamental issues with the siting and form of a new dwelling in this location.
7. I therefore conclude that the proposal would be harmful to the character and appearance of the area. It would be in conflict with policies BNE1, BNE2 and H4 of the Medway Local Plan (LP) which amongst other things seek well designed new development that maintains the character of the area and respects the street scene and surrounding area.

Impact on SPA

8. The site is located within 6km of the North Kent Marshes SPA/RAMSAR areas. The Council's second reason for refusal was that, in the absence of a completed legal agreement necessary to secure the implementation of mitigation measures, it could not be assured that the proposal, either on its own or in combination with other plans and projects would not adversely affect the European designated habitats. The concern relates to recreational disturbance related to residents making leisure trips to the SPA. This concern is shared by Natural England. I note that the appellant has not disputed the need for the mitigation measures and that he would have provided the information as part of the application if requested.
9. Whilst I appreciate that the appellant has indicated that he would agree to contributions towards the mitigation of any harmful impacts arising from the development there is no mechanism before me by which this would be ensured. Consequently, I cannot be satisfied that there would be adequate measures to avoid or mitigate potential adverse effects from recreational use of the SPA by future residents. Therefore the proposal would be in conflict with LP policy BNE35 and paragraph 118 of the Framework which seeks to resist development that would have an adverse impact on protected species or their habitats and seek to use planning obligations to provide appropriate mitigation and compensatory measures.

Conclusion

10. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR