
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/16/3164704

2 Edwin Road, Rainham, Kent, ME8 0AA

- 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 Mrs Sylvia Adams against the decision of The Medway Council.
 - The application Ref MC/16/1618, dated 5 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is described as '*Using the garden area to the side of the property at 2 Edwin Road, the proposal is for a 2 bed detached bungalow and a new single detached garage. This to create hard standing for three vehicles. Also to create off road parking for 3 vehicles to No 2 Edwin Road*'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Sylvia Adams against The Medway Council. This application will be the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the provision of a detached bungalow on (a) the character and appearance of the area; (b) the living conditions of existing occupiers at No 2 Edwin Road, with particular regard to the provision of garden space; and (c) whether the scheme would provide acceptable living conditions for future occupiers, with particular regard to the provision of garden space and privacy.

Reasons

Character and appearance

4. I appreciate that along Edwin Road a variety of design and appearance of dwellings are evident. I also understand that in some cases there has been subdivision of plots and the provision of new dwellings, including No 2a Edwin Road. Nevertheless in the main the dwellings front the road and whilst plot width varies gardens are typically deep. Overall the character is of garden areas that offer space and setting to the existing dwellings.
 5. The new dwelling would be located on a site formed from the existing garden area of No 2 Edwin Road. As such it would have a frontage to Edwin Road. However, the subdivision of the plot and subsequent siting of the house would limit options for provision of a garden area and overall space, setting and relief to the built form. I understand that the appellant considers that a new dwelling could be designed to fit in with acceptable material finish and roof
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form and is not in a conservation area or a listed building. Nevertheless, this would not overcome the fundamental issue of creating a layout that would at odds with the predominant character of the area.

6. 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 and BNE2 of the Medway Local Plan (LP) which seek well designed new development that maintains the character of the area and respects the street scene and surrounding area.

Living conditions of existing occupiers

7. The new dwelling would be positioned to the rear of No 2 and to the side of No 2a. Subdivision to provide the new dwelling would reduce the garden area for the existing dwelling. Nevertheless, whilst reduced in depth the area would be regular in shape and have some depth to the rear and south of the dwelling. It could be enclosed and made private to use.
8. However, the issue remains of the effect of the position of the new dwelling in relation to the garden area of No 2. The side wall of the new dwelling would be visible above any new boundary treatment put in place. I appreciate that there would be some set back from the shared boundary. Nevertheless it would be close in close proximity to the common boundary. It would be both prominent and visible from the home and garden area of No 2. In addition, whilst the new garden space for No 2 would be useable the reduction in depth would compound the overbearing effect of the built form.
9. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings. It would be in conflict with LP policy BNE2 which, amongst other things, when considering new development seeks to protect the amenities enjoyed by adjacent properties. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Living conditions of future occupiers

10. The subdivision of the plot limits options for the siting of a new dwelling. The new dwelling would be positioned to front onto Edwin Road. There would be space for on-site parking and a garage would be provided. There would be a space to the rear and side of the dwelling that the plans indicate would be provided as a 'patio area'. Both parts of the patio would be long and narrow and as such the overall garden shape would not be conducive to use. In addition the existing dwelling contains a large first floor window. This would face toward the patio areas. Given its first floor position this would not be mitigated by the provision of boundary treatments. In addition the limited width and depth would reduce options to provide any planting.
11. Overall, the window would be visible from the new garden area. New boundary treatment would not mitigate this. It is sizeable and faces toward the site for the dwelling and its associated garden area. As such the garden area would not be a pleasant private space.
12. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers, with particular regard to the provision of garden space and privacy. It would be in conflict with LP policies BNE1 and BNE2 in so far as they seek to secure the amenities of the future occupants of

developments and resist schemes where there would be loss of privacy. It would also be in conflict with the Framework which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

13. I understand that the appellant considers that the provision of No 2A sets a 'precedent' for development in the locality. However, overall, in my view this scheme is not typical of the character of the area and does not justify the appeal scheme. In addition I appreciate that there would be no issues regarding daylight and sunlight. However, this does not alter my conclusion on I have in any event judged the scheme before me on its merits.
14. The appellant has referred me to a decision at 132 Cooling Road, Strood. I understand that this appeal was allowed¹. However, from the information I have this site is not within the street scene of Edwin Road and I cannot be certain that the site specific circumstances are directly comparable to the appeal before me. In addition in that case the inspector found that there would not be harm to the living conditions of adjoining occupiers. Therefore I attach very limited weight to this decision.
15. The Council has indicated within its appeal statement that the scheme as submitted would not provide measures to avoid or mitigate potential adverse effects from recreational use of the SPA by future residents. This was not included as a reason for refusal and there is no mechanism before me by which this would be ensured. However, as I am dismissing the appeal for other reasons I have not pursued this matter with the parties.
16. It is apparent that a five year supply of deliverable housing land cannot be identified in the area. There is no dispute between the parties on this issue. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework states that there should be a presumption in favour of sustainable development. Where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits taking account of the Framework as a whole. In the context of a shortfall of housing supply the provision of a dwelling would weigh in favour of the proposal.

Conclusion

17. The appeal proposal would make a very modest contribution to the supply of deliverable housing land in the Borough. This is a benefit which weighs in favour of the appeal proposal. However, the proposal would harm the character and appearance of the area, the living conditions of existing occupiers and would not provide acceptable living conditions for future occupiers. Overall, for the reasons given, the benefits of the proposal would not significantly and demonstrably outweigh the harm to the character and appearance of the area.
18. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board
INSPECTOR

¹ APP/A2280/W/16/3147398