
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: 02 June 2017

Appeal Ref: APP/A2280/W/17/3168249

5 Highfield Road, Rainham, Gillingham, ME8 0EG

- 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 Lath against the decision of The Medway Council.
 - The application Ref MC/16/2082, dated 11 May 2016, was refused by notice dated 28 September 2016.
 - The development proposed is new two bedroom detached bungalow with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the provision of a two bedroom detached bungalow and parking on the character and appearance of the area and (b) whether the new dwelling would provide acceptable living conditions for future occupiers with particular regard to privacy.

Reasons

Character and appearance

3. Highfield Road and the nearby roads are generally characterised by semi-detached and terraced properties, which are a mix of bungalows and two storey. In the main these dwellings front the road and have generous rear garden areas. There are some variations at road junctions; nevertheless, the overall character appears as spacious and suburban. The site would be formed from an area of land located adjacent to No 5 Highfield Road which would include the site of existing garage.
 4. The new dwelling would have a frontage to Highfield Road. However, the constraints of the site would limit options for layout of the site. The dwelling would be positioned close to the existing rear access and its depth would cover the majority of the site depth. This would maximise the separation between the new building and the existing dwellings. However, the result would be that the areas left for garden and parking would primarily be to one side of the building and a narrow strip to the rear shown as a patio. The resultant layout would be at odds with the predominant character of the area.
 5. The appellant submits that the site has been separate from No 5 for a number of years and not used by the residents of this dwelling and is vacant and in a residential area. I note that some of the land to form the appeal site is subdivided from No 5 by a boundary treatment. Nevertheless, there is no
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evidence that the site could not be used by residents of No 5 in the future and the division removed. As such I attach very limited weight to this. The appellant also refers me to the large outbuilding present at No 4 Cheriton Road and located adjacent to the appeal site. There is no dispute that the outbuilding exists. However, it sits within the large rear garden of No 4 and for this reason would in my view be distinct from a new dwelling.

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 H4 and BNE1 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. It would also be in conflict with Paras 53 & 56 National Planning Policy Framework (the Framework), which seeks to resist development that would harm the local area and attaches great importance on the design of the built environment.

Living conditions future occupiers

7. The new dwelling would rely upon a garden area to its side. The Council's decision identifies the main concern being that this area would not be private. In particular that it would be overlooked by the windows from two storey properties nearby. No 5 Highfield Road and No 4 Cheriton Road both have first floor windows that face towards the site. These windows would be visible from the new garden area. These windows face toward the site for the new dwelling and the side garden area proposed. New boundary treatment would not mitigate this. As such the garden area would not be a pleasant private space.
8. I understand that the current residents use garden to front and side, that amount of garden space and parking provided is not in dispute for either the existing or proposed dwelling. However none of these matters alters or outweighs my findings regarding privacy.
9. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers, with particular regard to privacy. It would be in conflict with LP policies H4 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

10. 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, noting that, in my view, this could not be dealt with by condition. However, as I am dismissing the appeal for other reasons I have not pursued this matter with the parties.

Conclusion

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

D J Board
INSPECTOR