



Appeal Decision

Site visit made on 16 October 2017

by Clive Tokley MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/ A2280/D/17/3180756

1A Main Road, Chattenden, Rochester, Kent, ME3 8LW.

- 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 Brian Bovingdon against the decision of Medway Council.
 - The application Ref MC/17/0686, dated 19 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is a detached garage with pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage with pitched roof at 1A Main Road, Chattenden, Rochester, Kent, ME3 8LW. The permission is in accordance with the terms of the application ref MC/17/0686, dated 19 February 2017 subject to the following conditions:
 - 1) The garage hereby permitted shall be used only by the occupiers of No 1A Main Road, Chattenden for purposes incidental to the occupation of No 1A as a dwellinghouse and for no other purposes.
 - 2) The development has been permitted in accordance with the following approved plans: Location Plan at 1:1250, Block Plan at 1:500, DP/17/01, DP/17/02 and DP/17/03.

Clarification

2. The Council describes the proposal as “retrospective” and I saw at my site visit that the building is substantially complete. Nevertheless the description on the application form correctly describes the development and I have therefore used that description in my decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupiers of No 9 Tudor Grove as regards outlook and light.

Reasons

Character and appearance

4. No 1A is a narrow dwelling that occupies the full width of its plot. It forms part of a mixed row of houses on the north side of Main Road to the east of Chattenden Lane. To the east is a large residential building (formerly a Public House) the grounds of which have been developed for houses and flats. This

includes houses at the rear of the frontage (in Old George Court) that are accessed via a cul de sac from Main Road. The appeal property is separated from that development by a vehicular access which serves the garage the subject of the appeal. Beyond the garage the access narrows and continues to the north as an overgrown public footpath behind Tudor Grove.

5. The garage is behind the main road frontage development but it is close to the development in depth at Old George Court. From Main Road the flank wall of the garage continues the line of the side wall of the house. However the garage is at a lower level and it is seen against the backdrop of the Tudor Grove houses. When walking along the footpath the garage appears as a simpler and less bulky structure than the Old George Court house to the east which, with its "one-and-a-half" storey projection, runs parallel with and close to the access.
6. The west flank of the garage is alongside the boundary with "Nullisec"; however that dwelling has a wide garden and the garage is some distance from the house. The steeply-pitched roof would be in view from a number of rear gardens to the west; however it would be partly screened by outbuildings and trees and seen against the backdrop of Old George Court. That relationship is also present when seen from the rear of Tudor Grove.
7. The garage is larger than the outbuildings that I could see in gardens to the west (and that permitted at Nullisec) but it is less bulky than the buildings to the east. I consider that in this transitional location it does not appear out of place. On this issue I conclude that the garage building does not detract from the character and appearance of the area. It would therefore not conflict with Policy BNE1 of the *Medway Local Plan 2003* (LP) which indicates that development should be appropriate in relation to the character and appearance of the built environment.

Living conditions

8. The detached dwelling at No 9 Tudor Grove is built at a lower level than the appeal property. No 9 has glazed doors in its rear wall which provide an outlook towards its rear garden from the ground floor living rooms. The rear wall of No 9 is angled slightly towards the rear boundary of the appeal site and the gabled north wall of garage is clearly in view from within the house. However there is a wide aspect from the rear windows towards its back garden with views of open countryside above the fence to the north east. The garage is higher than the boundary fence; however it is set back from the boundary and is some distance from the house. Taking account of the wide outlook at the rear of the house I consider that the garage is not an unacceptably intrusive or over-dominant building.
9. When entering the main first-floor bedroom at No 9 the garage roof almost fills the view from the rear window; however from further into the room there is an outlook towards the garden and beyond. Whilst the garage changes the view from the bedroom window it is not excessively dominant and does not materially detract from living conditions.
10. The garage lies to the south of No 9 Tudor Grove and at the time of my site visit (about midday) the low October sun was casting a shadow over the end of the rear garden. This confirms the Council's assessment which indicates that the proposal would result in the some overshadowing. However most of the garden and the rear of the house would still benefit from sunlight for most of

the day and the loss of some direct sunlight to the garden would not be sufficient reason to refuse permission. The garage is sufficient distance from the rear windows to prevent any loss of natural light to the rooms served by them.

11. On this issue I have concluded that whilst the garage changes the view at the rear of No 9 Tudor Grove it does not unacceptably detract from the living conditions of the occupiers of that property as regards outlook or light. I conclude that the proposal would not conflict with LP Policy BNE2 which indicates that development should protect the amenities of adjacent properties with particular regard to privacy, daylight and sunlight.

Conditions

12. The application/appeal site includes the house and garden and the site of the garage. Drawing No DP/17/02 indicates that the garage would be accessible via a personnel door from the garden; however I saw at my site visit that the garage was separated from the garden by a wall. Nevertheless the appellant's statement indicates that it would be used as a domestic garage.
13. In the interests of clarity and certainty and to safeguard the general character and amenities of the area I consider that it is both necessary and reasonable to impose a planning condition that limits the use of the garage to purposes ancillary to the residential use of No 1A Main Road only.
14. The building as built does not accord with the submitted drawings as regards the size of the garage door, the position of the door and absence of a window in the south elevation and the separation of the garage from the garden. Nevertheless my decision is based on the submitted drawings and I have therefore referenced them in the normal condition that identifies the approved drawings.

Conclusion

15. I conclude that the proposal would not unacceptably detract from the character or appearance of the area and would not be harmful to the living conditions of the occupiers of No 9 Tudor Grove as regards outlook and light. Taking account of all matters I have concluded that the appeal should succeed.

Clive Tokley

INSPECTOR