
Appeal Decision

Site visit made on 7 November 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 29th November 2017

Appeal Ref: APP/K2230/W/17/3181012

Poolmerick, Round Street, Sole Street, Cobham DA13 9BA

- 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 & Mrs Gill against the decision of Gravesham Borough Council.
 - The application Ref 20160852, dated 1 September 2016, was refused by notice dated 9 March 2017.
 - The development proposed is a new 2 bedroom dwelling with basement, garage, parking space and access drive.
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Decision

1. The appeal is dismissed

Procedural Matter

2. A Council reason for refusal related to the adverse impact of the development on trees, including those subject to a Tree Preservation Order. In response, the Appellant has submitted an Arboricultural Report (AR) with their grounds of appeal. Given this, the Council and third parties have had adequate opportunity to comment upon this during the appeal process and the appeal has been determined taking it into account.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the surrounding area, including trees, and (b) the living conditions of the occupiers of neighbouring properties and the new dwelling, having regard to privacy and disturbance.

Reasons

Character and appearance

4. The appeal site comprises part of the rear garden of a property known as Poolmerick which is located on the northern edge of Sole Street village at the corner of Round Street and White Post Lane. Within the village as a whole, there is a variety of different types and sizes of dwellings, and positions of associated plots. However, in the vicinity of the appeal site, the plots of dwellings are notably spacious and sylvan in their qualities.
5. In this regard, there is a distinct group of properties at Roundhay alongside the appeal site, Copper Beeches behind Basant, a frontage property adjacent to Poolmerick, and on the other side of a public footpath running alongside the

eastern boundary of appeal site, including Corner Cottage. Properties generally have extensive curtilages with substantial space separating them and have mature vegetation surrounding them. There are trees and hedgerow landscape features within the verge along White Post Lane in front of Basant and Poolmerick. The appeal site and this surrounding area have an attractive and locally distinctive character and appearance for these reasons.

6. The proposed dwelling would be sited between Poolmerick and Roundhay. The plot would be about 40m² larger than the frontage property at Basant but would be considerably less than that of other neighbouring properties at Roundhay, Copper Beeches and Corner cottage. Most of the vegetation and trees are to be being retained on the site but the development would have extensive and dominating hard surfaced areas along the drive and in front of the dwelling. Additionally, the dwelling would extend over much of the width of its plot, with little space separating its flank with the common boundary with Poolmerick. Overall, the plot would appear overly built-up and cramped for all these reasons within its locally distinctive context and therefore would be harmful to character and appearance of the area.
7. The cramped nature of the development would be noticeable from surrounding properties. The new dwelling would not be visible from White Post Lane but the hard surfaced areas would highlight the cramped nature of the development from the road. From the footpath to the rear of the site, vegetation would largely prevent views of the new dwelling but there would still be a perceived change arising from the subdivision of the Poolmerick plot with new boundary treatments, domestic paraphernalia associated with a new dwelling, such as sheds, and household activity. Furthermore, there is no guarantee that the vegetation would remain in perpetuity. There can be any number of reasons, such as disease or accidental damage, for vegetation to die back or become removed, and inevitably, replacement vegetation takes time to establish.
8. Beyond Basant, there is housing along White Post Lane and roads leading off it at Sallows Shaw and The Beeches. A dwelling has been permitted to the rear of 5 Sallows Shaw which followed a 2006 appeal decision, where an Inspector considered the effect of a dwelling on a relatively small plot to be acceptable. Nevertheless, the dwellings here are generally on smaller plots, narrower frontages, more closely sited to one another and have less mature landscaping with verges lacking significant trees or vegetation. As such, the area is quite different visually in being more estate-like and built-up, and therefore does not relate to the appeal site and its context. Therefore, comparison of the appeal plot size with those within this housing area would not justify the proposal.
9. Dwellings have been permitted to the rear of Manor Road but similarly these sites are within another part of the village with a different context. Here, properties are more closely sited to one another along a road frontage despite having generally having long rear gardens. Additionally, the dwelling to the rear of 37 Manor Road would have been considered within the context of the dwellings at Baker Close, the backland sited dwelling at 43 Manor Road and the frontage dwelling at 41 Manor Road. As to the dwellings on Baker Close, it is difficult to make any meaningful comment. The full circumstances of this case including planning policies, that applied at their time of consideration in 1990s is not before me. Notwithstanding this, the existing Manor Close context is not as spacious compared to the surroundings of the appeal site.

10. The permitted dwelling at Brymore on Sole Street itself is within an area with spacious plots but it is also not within the vicinity of the appeal site and the dwelling is sited on the road frontage matching the pattern of development here. In the absence of any documentation, the full circumstances that applied at the time of this proposal also make it difficult to make any additional meaningful comment. Notwithstanding these comments, all these decisions show that rarely are the consideration of proposals alike because circumstances vary. As I have done so here, it also demonstrates every proposal has to be considered on its own particular planning merits.
11. The Appellant's AR concludes that all important trees and landscaping can be retained. In this regard, a few lower quality trees would be removed to accommodate the dwelling's access drive but for the remaining trees and hedgerow, a specialised drive construction is proposed to ensure retention. For the poplar tree just outside of the site, special garage foundations are recommended. The AR takes account of relevant professional standards, guidance and makes reasoned judgements, and planning conditions could be imposed to ensure recommendations are implemented. On this basis, it has been demonstrated that the development would not detrimentally harm the health of retained trees and hedgerows which contribute to the sylvan character and appearance of the area.
12. In conclusion, the development would harm the character and appearance of the area for the reasons indicated. Accordingly, the proposal would be contrary to policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (CS) 2014, which collectively and amongst other matters, requires the provision of housing taking into account the existing character of the area, that sites can be developed at different densities dependent upon their location and accessibility to public transport, that all new housing will be developed at a density consistent with achieving good design without compromising the distinctive character of the area in which it is situated, and that new development should be visually attractive, fit for purpose and locally distinctive.

Living Conditions

13. The proposed dwelling would be single storey with no first floor windows. In relation to Corner Cottage, there would also be a substantial separation distance with the new dwelling and thus, there would be no significant loss of privacy. The new dwelling would have a flank window facing Roundhay. Nevertheless, there would be no significant loss of privacy arising from this ground floor window because even if boundary vegetation was not retained, fences could be erected up to 2m in height under permitted development.
14. For Basant, the front windows of the proposed dwelling would face onto the flank first floor windows of this neighbouring property by reason of topography. Ground floor windows would be largely obscured by boundary treatments that are proposed to be retained or if not, by fenced boundary treatments under permitted development rights. In relation to the first floor windows, there would be a separation distance of about 15m which would be less than that recommended within the Council's Residential Layout Guidelines Supplementary Planning Guidance 2 1996. However the loss of privacy would not be significant given the use of the nearest part of the new dwelling is a bedroom restricting day time activity. The position of the bedroom window

would also be lower than the flank first floor windows of the neighbouring property, at least two of which I could see to be obscure glazed on my site visit. There would be an access drive running alongside this neighbouring property but any disturbance, including vehicle light glare, and noise would be limited by reason of only one dwelling being proposed in this instance.

15. The Poolmerick first floor balcony would mainly face the flank of the proposed dwelling which has no side windows. In relation to the rear garden of the new dwelling, the balcony would be separated by the depth of Poolmerick's intervening garden and any views would also be oblique. Thus, there would be no significant loss of privacy for the residents of the new dwelling.
16. In conclusion, the development would not harm the living conditions of the occupiers of neighbouring and the proposed dwelling. Accordingly, the proposal would comply with policy CS19 of CS (in respect of living conditions), which amongst other matters, requires new development to safeguard the amenity, including privacy, of its occupants and those of neighbouring properties and land.

Other matters

17. The aesthetic design of the dwelling would in keeping with the varied appearance of other dwellings within the surrounding area. The size of gardens for both Poolmerick and the new dwelling would provide adequate amount of private outdoor space for occupants. However, good design should be expected to be incorporated in any development coming forward and therefore, these aspects of the scheme would not represent any substantive benefits.
18. The two bedroom nature of the dwelling would add to range of accommodation within the village, support of which is found within policy CS14 of the CS. However, this would be significant harm to the character and appearance of the area in conflict with policies CS14, CS15 and CS19 of the CS. For these reasons, there would be conflict with the development plan as a whole.
19. The proposed development would result in additional recreational activity and disturbance to species important to Thames Estuary and Marshes Special Protection Area (SPA). Given the appeal site's proximity, the proposal, in combination with other residential development, would be likely to have a significant harmful effect on the SPA. The Council has indicated a planning condition could have been imposed to secure a contribution towards Strategic Access Management and Monitoring Strategy measures as mitigation. However, I can find no such condition having been put to me and the Appellant has made no comment on his willingness to agree a contribution. Comments would have invited from parties if the appeal had turned solely on this issue but as there is a substantive reason to dismiss the appeal, there is no need to do so.

Conclusion

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

Jonathon Parsons

INSPECTOR