



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/A2280/W/17/3180955

11 Widgeon Road, Strood, Rochester ME2 2SJ

- 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 Russ Coleman against the decision of The Medway Council.
 - The application Ref MC/17/1258, dated 6 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is the demolition of existing detached garages and the erection of no.2 x 2 bed semi-detached houses with associated car parking, amenity space and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the (a) the character and appearance of the area and (b) the living conditions of the occupiers of 11 Widgeon Road, having regard to sunlight and overshadowing.

Reasons

Character and appearance

3. The appeal site is located at the corner of Widgeon Road on its junction with Trees Crescent and Seagull Road. The plot to be developed comprises mainly garaging to the side of a semi-detached dwelling at 11 Widgeon and slopes down from the road. Immediately neighbouring the plot to the south are two storey terraced dwellings on Seagull Road. The surrounding area consists predominately of semi-detached and terraced two storey dwellings.
4. The proposed semi-detached dwellings would be designed and finished to match surrounding properties, and would replace flat-roofed garaging and a side extension to No 11. However, the side of the northern sited semi-detached dwelling would flank onto the dwelling at No 11 at an angle because this neighbouring dwelling faces the corner of two roads. This would result in a gap between the two properties in excess of 7m on the frontage but this would narrow significantly to about 2.5m to the rear of the two adjacent dwellings. Within this gap, the common boundary would run parallel with the flank of the new dwelling and then across towards No 11 and along its flank, and consequently would appear contrived. Together with the extent of hard surfacing for private access ways and car parking for No 11, this part of the

development would appear in a cramped and visually awkward relationship between the two properties for all these reasons.

5. The surrounding area is densely built-up in character with groups of dwelling closely sited to one another, and the existing garages add little to the character and appearance of the area by reason of their neglected and underused state. However, there are gaps and spaces at the corners of streets which provide some visual relief and in this case, the angled relationship between the northern most sited dwelling and No 11 would result in a particularly cramped and awkward feature for the reasons indicated. There has been a recently completed terrace along Seagull Road but this development does not exhibit such a cramped and visually awkward relationship at a corner location as would result here. In any case, every proposal has to be considered on its particular planning merits.
6. In conclusion, the development would harm the character and appearance of the surrounding area for the reasons indicated. Accordingly, the proposal would be contrary to policies H4 and BNE1 of the Medway Local Plan (LP) 2003, which collectively and amongst other matters, states redevelopment of existing residential areas and infilling will be permitted if a clear improvement in residential environment will result and that the design of the development should be appropriate in relation to character, appearance and the functioning of the built and natural environment by respecting the scale, appearance and location of buildings, spaces and visual amenity of the surrounding area.

Living conditions

7. The northern most sited dwelling would be sited close to the flank of 11 Widgeon Road and part of its rear garden, which is reduced in size as a result of the proposal. By reason of this dwelling's orientation, there would be a loss of sunlight and overshadowing of the garden of No 11 during the afternoon.
8. The Council has submitted plans showing the extent of overshadowing of the rear garden of No 11 for 1200hrs, 1400hrs and 1600hrs based on the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011). No date has been given for the overshadowing shown on the plans or background assessment to confirm how the extent of overshadowing was derived. However, the application plans show two storey dwellings partly elevated to take account of site levels across the site and partly projecting behind the rear of No 11.
9. Based on this and from what I observed of the topography on the site, there would be likely to be significant loss of sunlight and overshadowing of the garden of No 11 during the afternoon especially in winter. In this regard, the afternoon is an important time for occupiers to enjoy their garden for recreation. Given the extent of the loss of sunlight and overshadowing, the development would therefore harm the living conditions of the neighbouring residents by reason of the loss of sunlight and overshadowing. Accordingly, the proposal would be contrary to policy BNE2 of the LP, which amongst other matters, requires all development should secure the amenities of the occupants of nearby and adjacent properties, and design should have regard to sunlight.

Other matters

10. The Council has not disputed the Appellant's statement that it does not have a five year supply of housing land. The proposal would represent a windfall site boosting housing supply in an urban area with good access to facilities which national policy in the National Planning Policy Framework (the Framework) promotes. The dwellings would comply with internal standards within the Nationally Described Space Standards (March 2015). However, two dwellings would only make a small contribution to overall supply and as a result the economic and social benefits would not be significant.
11. The Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. There would be significant adverse impacts on the character and appearance of the area, and living conditions, and so the proposal would not result in good design. For all these reasons, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development would not apply.
12. The proposed development would result in additional recreational activity and disturbance to bird species of importance to the North Kent Marshes Special Protection Area (SPA). Given the site's proximity, the proposal, in combination with other residential development, would be likely to have a significant harmful effect on the SPA. The Appellant has agreed to pay a Strategic Access Management and Monitoring Strategy contribution which I am satisfied meets the statutory tests contained within Regulation 122 of the Community Infrastructure Regulations 2010 (CIL Regulations) (as amended) and the pooling restrictions in Regulation 123(3) of the CIL Regulations. However there is no suitable mechanism before me by which the contribution could be secured. Therefore, I cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the SPA. Comments would have been invited from the parties if the appeal had turned solely on this issue but as there are substantive reasons to dismiss the appeal, there is no reason to do so.

Conclusion

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

Jonathon Parsons

INSPECTOR