



Appeal Decision

Site visit made on 29 November 2017

by Rory MacLeod BA MRTPI

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

Decision date: 20 February 2018

Appeal Ref: APP/A2280/W/17/3180334

85 Bredhurst Road, Wigmore, Kent ME8 0QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Andy Smith against the decision of The Medway Council.
- The application Ref MC/17/1153, dated 28 March 2017, was refused by notice dated 15 June 2017.
- The application sought planning permission for demolition of existing bungalow and construction of two 4-bedroomed semi detached dwellings with associated parking without complying with conditions attached to planning permission Ref MC/16/0867, dated 27 April 2016.
- The conditions in dispute are Nos 2, 6 and 7 which state that:
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing numbers PD002 Rev D and PD 004 Rev C received 25 February 2016 and PD 003 Rev D received 18 April 2016
(6) The proposed parking area to the front of the southernmost dwellinghouse shall not be brought into use unless formed from permeable surfacing materials in accordance with details to be submitted to and approved in writing by the local planning authority. The surfacing so provided shall be completed in accordance with any subsequent approved details prior to the parking being brought into use and following completion shall be maintained as such thereafter.
(7) The areas shown on drawing number PD 002 Rev D for the parking or garaging of vehicles shall be implemented prior to occupation of each dwellinghouse and thereafter retained for use as parking for vehicles by each dwellinghouse and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved vehicle parking areas.
- The reasons given for the conditions are:
(2) For the avoidance of doubt and in the interests of proper planning.
(6) In the interests of sustainability.
(7) In accordance with the objectives of Policy T13 and BNE2 of the Medway Local Plan 2003.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and construction of two 4-bedroomed semi detached dwellings with associated parking at 85 Bredhurst Road, Wigmore, Kent ME8 0QT in accordance with the application, Ref MC/17/1153, dated 28 March 2017 subject to the following conditions:

- 1) The boundary treatment erected on site to serve the development shall be retained in accordance with boundary treatment details approved under the terms of planning permission MC 16 2895 dated 23 August 2016.
- 2) The bathroom and ensuite windows on the side elevations at first floor level shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the rooms they serve, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.
- 3) The hardstanding and garaging shown on drawing number PD 100 Rev A for the parking of vehicles for both plots 1 and 2 of the development hereby approved shall be retained for use for the parking of vehicles for each dwellinghouse. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved vehicle parking areas.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, E and F of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Main Issues

2. The main issues are whether the conditions are necessary in the interests of sustainable planning policy objectives in relation to parking and drainage and on the appearance of the development in the street scene.

Background

3. Planning permission has been granted for the replacement of a former bungalow at the site with a pair of semi-detached houses with the provision of a double garage at the end of the back garden to serve plot 1. The scheme has been implemented and the houses occupied. The appellant is seeking permission for the development without complying with conditions attached to the permission to enable retention of two additional parking spaces in the front garden to plot 1, the widening of an existing vehicular access to serve these additional spaces and the installation of a surface water drainage system.

Reasons

Sustainability

4. Condition 2 requires the development to be carried out in accordance with approved plans and condition 7 retention of approved parking measures. The Council considers that the provision of the two additional front garden spaces combined with the rear garage parking would result in an over provision of on site parking contrary to sustainable planning objectives. The occupiers of plot 1 have requested parking to the front of their property for ease of access to their front door as is commonplace in the surrounding area. At the time of my site

visit, the additional parking spaces had been provided and were in use although the related vehicle crossover still needed to be widened and a crossover provided for the garage at the rear of the site.

5. For reasons of convenience if the frontage spaces were not available the householder may choose to park in the road rather than in a relatively remote garage if unloading shopping or in inclement weather. The frontage parking spaces would be even more convenient. Whilst the house on plot 1 has 4 bedrooms it is not particularly large and its size is not likely to be a pressure to increase in car ownership or usage. Other factors such as public transport options and the supply of services in the local area are equally likely to influence these matters. In my opinion, the provision of the two additional parking spaces is unlikely to result in a significant increase in cars parked at the site or in the number of car journeys undertaken by the occupiers of plot 1.
6. The Council's refusal reason has listed several paragraphs within the National Planning Policy Framework (the Framework) relating to sustainable development in general and to sustainable transport. The proposal is unlikely to result in a significant increase in car usage or greenhouse gas emissions. I consider that there would be no conflict with these provisions in the Framework. Nor do I consider that there would be any conflict with policy BNE2 of the Medway Local Plan (2003) (MLP) in relation to traffic generation amongst other amenity considerations.
7. Condition 6 requires details of a permeable surface material for the frontage parking spaces on plot 2 to be approved by the Council and implemented on site prior to use of the parking spaces. The applicant has installed an ACO drainage system comprising of gullies and channels to both front gardens leading to a soakaway located within the back garden to both dwellings. Removal of condition 6 has been sought to enable retention of this system as an alternative form of sustainable drainage to that envisaged by the condition. The Council has raised no objection to this part of the proposal. In my opinion the drainage system provided on site is an adequate alternative that would be in compliance with the sustainable development objectives of the Framework and MLP.

Appearance

8. The new houses occupy a prominent corner site at the junction of Bredhurst Road with Drewery Drive and the front garden to plot 1 is at the apex to that corner. There is a dwarf wall with columns and railings between at the back of the footway with a line of laurel plants behind. The front gardens to the two houses also present a lawn and flowerbeds. Notwithstanding the reduction in the size of the soft landscape area within the front garden to plot 1 as a result of provision of the two additional parking spaces, the site retains an attractive appearance within the street scene. Moreover, the appearance of the site compares favourably with many nearby front gardens in which a hard surface for parking is provided but with little if any soft landscaping.
9. My findings are that the larger expanse of hardstanding for the additional parking spaces would not be harmful to the appearance of the property, site or the streetscene. As such there would not be conflict with the design provisions of the Framework or with policies BNE1 and BNE2 of the MLP that promote good design in the built environment that respects the visual amenity of the surrounding area.

Conclusion

10. For the reasons set out above I conclude that the appeal should be allowed. I shall grant a new planning permission without the disputed conditions but substituting a new condition. A condition listing the plan numbers including those relating to the additional parking area and revised drainage arrangements is not necessary as the development has already been implemented. Condition 6 requiring the approval of a permeable surface material for the front garden parking is not necessary in view of the alternative drainage system provided. Nor is the replacement condition suggested by the Council for a permeable means of construction for the frontage parking to plot 2 necessary as drainage here is also covered by the alternative system. I have adopted the Council's suggested alternative to the original condition 7 in relation to the retention of approved parking spaces.
11. I shall retain the non-disputed conditions from the previous planning permission that appear still to be relevant, having regard to the conditions now suggested by the Council, in accordance with guidance in the Planning Practice Guidance. However, the Council's suggested condition requiring the detached garage at plot 1 to be used only for purposes incidental to the enjoyment of the related dwellinghouse is unnecessary as a material change of use such as for a trade or business to be carried out from the premises would require a separate grant of planning permission.

Rory MacLeod

INSPECTOR