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# Appeal Decision

Site visit made on 2 May 2019

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 July 2019**

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**Appeal Ref: APP/A2280/W/19/3222385**

**16 Cliffe Road, Strood, Rochester ME2 3DS**

- 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 Greybull Investments BVI against the decision of Medway Council.
  - The application Ref MC/18/2028, dated 6 July 2018, was refused by notice dated 1 October 2018.
  - The development proposed is the demolition of an existing residential carport, internal layout and external elevational alterations to the dwelling, with the erection of a two storey rear and side extension. Conversion of the building into 4 one-bedroom flats, with associated bin storage and amenity area.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - the living conditions of the occupants of neighbouring properties with regard to outlook and light, and the living conditions of the occupants of the proposed units in respect of the internal accommodation; and
  - the amenities of adjoining occupiers with regard to parking provision.

## Reasons

### *Living conditions*

3. The appeal site is a 2-storey, semi-detached property located on the inside bend of Cliffe Road, between the junctions with Cecil Avenue to the south and Hayward Avenue to the north. The proposal is for 2-storey side and rear additions and the conversion of the building into 4 flats. The rear element to the property would project outwards by approximately 3.8 metres from the rear wall of the main house and with its flank elevation lying on the boundary with 18 Cliffe Road.
4. The prevailing pattern of built form surrounding the site is of tight-knit rows of properties that face the public highway in a high density, urban environment. Being located on a bend in the road, the appeal property and its adjoining neighbour are set at an angle to surrounding properties.

5. Currently the areas immediately outside of the ground floor rear windows and doors of Nos. 16 and 18 are garden space. The development would infill a significant part of this area within the curtilage of the appeal property and be substantially higher than the existing boundary fence at this point. Taken together with the rearward projection and close proximity relative to the adjoining property, it would appear oppressive and unduly intrusive when viewed from the neighbour's facing window and patio doors in the rear wall of the main house and from the private garden area immediately outside. Similarly due to the height and rearward extent of the proposal a significant loss of light would also occur to the rear window of the attached neighbouring dwelling and rear amenity space. Although sunlight test diagrams have been provided by the appellant, I do not agree with the conclusions given that the proposal would be to the south of No. 18 and significantly higher than the existing boundary fence. I therefore consider that the scheme would result in harm to the living conditions of the occupiers of 18 Cliffe Road.
6. The first floor window in the side wall of 14 Cliffe Road is currently afforded views in one direction over the public highway to the west and in the other over the rear gardens of the appeal property, 18 Cliffe Road and those dwellings in Hayward Avenue. Whilst the views are somewhat oblique, they would nevertheless provide some amenity to the occupants of the room.
7. The development would infill the appeal site in both directions and significantly reduce the outlook from the adjacent window. Taken together with the close proximity relative to the adjoining property, the proposals would appear oppressive and unduly intrusive when viewed from the neighbour's facing window. Given the orientation and size of this window it is likely that the room it serves already has reduced levels of light and the proposal would further reduce this. I therefore consider that the development would result in harm to the living conditions of the occupiers of 14 Cliffe Road.
8. The proposed units would have a gross internal area of about 37 square metres. The Government's 'Technical housing standards – nationally described space standard', March 2015 as amended in May 2016 (THS) denotes minimum internal space requirements for dwellings, with 37 square metres set as the minimum standard for a single storey, one-bedroom dwelling intended to accommodate one person. It also sets a requirement for at least 1.0 square metres of built-in storage space, which has not been included on the plans.
9. Given that the THS figures are minimum standards which are intended to act as a benchmark for high design quality, the shortfall in storage space is not appropriate, and the proposal conflicts with the THS. Whilst the deficit is marginal, the lack of storage space would not provide a good standard of accommodation to meet the needs of future users.
10. I therefore conclude that the proposal would harm the living conditions of the occupants of neighbouring properties with regard to outlook and light, and would fail to provide satisfactory living arrangements to meet daily needs for the future occupants of the proposed units. This would be contrary to Policy BNE2 of the Medway Local Plan May 2003 (LP) which seeks to secure the amenities of the future occupants of development and to protect the amenities enjoyed by nearby and adjacent properties. The proposal is also inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

## *Parking provision*

11. The appeal proposal would not provide any off-street parking spaces for the units. Policy T13 of the LP states that one bedroom properties should have one off-street parking space, however the policy does allow parking standards to be applied flexibly when a site can be considered to be within a sustainable location with frequent and extensive links to public transport. In this respect the site is located close to a rail station and bus stops and within walking distance of the town centre. It is therefore in a sustainable location where standards could be applied flexibly.
12. I observed during my site visit that the area is a dense residential environment with high levels of on street parking. At the time of my visit, on a Thursday morning, on street parking spaces were not available close to the appeal site. Whilst I accept this is only a snap shot in time, it is an indication that on street parking is difficult to achieve at certain times of day. I also note that there are no restrictions by way of permits, time limits or a pay and display regime. However, there are yellow lines and dropped kerbs in the road, which limit opportunities for on street parking.
13. The Appellant has not provided on street parking surveys or census details of low car ownership within the ward to justify the shortfall in provision. Based upon the evidence before me and my observations, I do not consider that the area is free of parking stress and the provision of no off-street parking spaces whatsoever would therefore be unacceptable. There would be insufficient on-street parking capacity to accommodate the demand arising from the development without significantly worsening the existing parking situation close to the site and in surrounding streets.
14. If the development were permitted any future residents of the proposed development would be placed in the unsatisfactory position of having to park on street in an area of parking stress, with the harmful impacts on safety this would entail, including reduced visibility for pedestrians and congestion. Moreover, the lack of on-site parking could result in residents having to park some distance from the flats thus leading to a temptation to park inconsiderately closer to the site. It would also result in additional vehicular movements in the area as they search for vacant spaces.
15. The appellant has drawn my attention to another development approved by the Council for 4 flats. However this scheme is a not inconsiderable distance from the appeal site in a different parking environment, and therefore I do not consider that it directly compares to the proposals before me. In any event I have dealt with the appeal on its own merits.
16. I therefore conclude that the proposal would harm the amenities of adjoining occupiers with regard to parking provision. It would be contrary to Policies BNE2 and T13 of the LP, which seek to secure the amenities of the future occupants of development and those enjoyed by nearby and adjacent properties having regard to traffic generation and to provide parking in accordance with parking standards. The proposal is also inconsistent with the advice the National Planning Policy Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

## **Other Matters**

17. I acknowledge those matters that have been advanced in support of the development, including that the proposal would represent additional housing, there are no objections with regard to the design of the development and contributions would be made to ensure no adverse effects on the Kent Marshes Special Protection Area. However these arguments do not outweigh the harm to living conditions and highway safety that I have identified above.

## **Conclusion**

18. For the reasons given above I conclude that the appeal should be dismissed.

*C Hall*

INSPECTOR