
Appeal Decision

Site visit made on 30 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/A2280/W/18/3218096

Workshop adjacent to No 2 Corporation Road, Gillingham ME7 1RF

- 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 A Pratt against the decision of Medway Council.
 - The application Ref MC/18/1438, dated 11 May 2018, was refused by notice dated 24 September 2018.
 - The development proposed is the demolition of the workshop and development of a two storey, one bedroom dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether future occupiers of the proposed dwelling would have adequate living conditions having particular regard to private amenity space; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. The appeal site comprises a single storey workshop building with shallow mono-pitch roof on Corporation Road. The proposal is to demolish the workshop and replace with a 2-storey dwelling with integral garage space and first floor balcony.
 4. The proposal makes provision for a first floor front balcony. The Council's Housing Design Standards require a minimum area of 5 square metres of external amenity space for a one bedroom dwelling. Although the parties disagree about the size of the balcony, even if I were to accept the appellant's figure of 3.6 square metres, this still falls below the Council's standards.
 5. In my view the limited scale and depth of the balcony would not provide sufficient space for sitting out and for the enjoyment of the area. This would result in an inadequate level of external amenity space for future occupiers and would be at odds with the Council's standards. I recognise that the shortfall could be offset by an excess of internal accommodation, however to my mind the additional internal space does not compensate for the lack of useable external space.
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6. Accordingly, the proposal would fail to provide for adequate living conditions for future occupiers with regard to the provision of private amenity space. It would therefore conflict with policies BNE2 and H4 of the LP which seek to secure a satisfactory standard of living conditions for future occupiers and adequate outdoor amenity space. The proposal is also contrary to the relevant paragraphs in the Framework which seek to ensure safe and healthy living conditions.

Character and appearance

7. The appeal site comprises a single storey workshop building with shallow mono-pitch roof on Corporation Road. The proposal is to demolish the workshop and replace with a 2-storey dwelling with integral garage space and first floor balcony.
8. The prevailing pattern of built form surrounding the site to the south is of tight-knit rows of domestic properties with small front gardens that face the public highway in a high density, urban environment. To the north are properties fronting Pier Road, a busy dual carriageway, and beyond is a substantial development of modern flats.
9. I note that the appeal building and surrounding properties are not locally or statutorily listed and the appeal site is not located in a conservation area. Amongst other things there are differences in nearby property heights, roof forms, materials and other detailing. To my mind, these characteristics demonstrate the variation in built form within the street scene and such differences add to the visual interest of the area.
10. The appeal scheme proposes a dwelling of contemporary style when compared to the more traditional terraced houses to the south. However clear views from Corporation Road are also afforded of the modern flats to the north, and to my mind these also make a significant contribution to the varied nature of properties in the area and to the character and appearance of the locality.
11. The National Planning Policy Framework (the Framework) states at paragraph 127 that development should not prevent or discourage appropriate innovation or change. I acknowledge that the building would be prominently located. However, the mono-pitch roof would function well, providing an appropriate transition between 2 Corporation Road on higher ground to the south and 22 Pier Road at a lower level to the north. All in all, within the context of the neighbourhood I do not consider that the proposed width, height and general design ethos, including the small number of windows in the proposed dwelling, would be at odds with the multifaceted character of the locality and it would not represent an overdevelopment of the site.
12. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. It would comply with the requirements of policies BNE1 and H4 of the Medway Local Plan May 2003 (LP), which seek to ensure the design of development is satisfactory and respects the scale, appearance and location of buildings. It would also be consistent with the relevant paragraphs of the Framework which state that good design is a key aspect of sustainable development.

Other matters

13. In reaching my decision, I acknowledge those matters that have been advanced in support of the development, including the existing condition of

the site, the provision of an additional dwelling that would conform with the Council's internal space standards and that the proposal would result in the development of a previously developed site in an accessible location in close proximity to local facilities and infrastructure. However, any economic and social benefits would be limited due to the fact that only one dwelling is proposed and would not outweigh the harm that I have identified above.

14. The development would affect a SPA/Ramsar Site as detailed in the Council's statement. The Council is satisfied that subject to an appropriate contribution to the SAMM that the proposal would have an acceptable impact on the SPA/Ramsar Site. In light of the evidence before me I can see no reason to disagree with the Council's findings in relation to this matter.

Conclusion

15. Although the proposal would not have an adverse effect on the character and appearance of the area, future occupiers of the dwelling would not have adequate living conditions having particular regard to private amenity space.
16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR