



Appeal Decision

Site visit made on 10 July 2019

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/A2280/D/19/3229303

33 Limetree Close, Chatham ME5 0DR

- 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 Wells against the decision of Medway Council .
 - The application Ref MC/19/0243, dated 28 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is the construction of access steps, together with brick walls and mild steel balustrading.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The appeal site comprises the front garden of an end of terrace house located at the northern end of Limetree Close. No 33 stands on elevated ground so that it has a steep front garden and equally steep access steps to the front door, which are shared by the adjoining property No 35. At the time of my site visit, part of the new access steps and boundary walls had been constructed, although building works were not active at the time.
4. The appellant points out that the existing steps do not comply with current building regulations and that the proposed development with matching brick walls, would provide a more sensitive finish, particularly as the garden is somewhat unkempt because of its steep nature.
5. However, because of the requirement for retaining walls and balustrading, in this case closely spaced mild steel balustrades, and the fact that the existing steps are to be retained, the whole of the front garden area would be dominated by built structures. In that respect I agree with the Council that they would appear harsh and visually intrusive as a result. It would be particularly so because of the elevated nature of the front garden and the fact that the garden is very apparent in the street scene as one approaches the end of Limetree Close. As such the development would cause visual harm which would adversely affect the character and appearance of the street scene.

6. I noted that the adjoining property has stepped walls, but they are regular in appearance, compared to the irregular form of the proposed walls, and the whole of the front garden is heavily landscaped. The impact of built form is therefore somewhat mitigated. Although the appellant has referred to a landscaping scheme, there is no information before me to indicate how extensive that might or might not be, and I do not think that alone would be sufficient to remedy the visual harm.
7. In reaching the above finding, I am very sympathetic to the health requirements of one of the appellants and the difficulties of access encountered by the current steep nature of the existing steps. However, personal needs change over relatively quick periods of time, whereas the impact of built development does not, and in that respect, I have to give greater weight to the long term visual harm that would result. I am also mindful that the cumulative harm would arise from the specific proposed design, in terms of the form of balustrading, absence of any significant landscaping proposal and retention of existing steps. It may well be therefore that an alternative design approach might not raise the same issues. However, that would be a matter for the appellant to discuss with the Council in the first instance.
8. Having regard to the above, the development would be contrary to Policy BNE1 of the Council's Local Plan 2003 in that it would not be appropriate to the character and appearance of the built environment.
9. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR