



Appeal Decision

Site visit made on 27 August 2019

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/K2230/W/19/3225466
62 Astra Drive, Gravesend, DA12 4PY

- 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 T A Architects against the decision of Gravesham Borough Council.
 - The application Ref 20181261, dated 4 December 2018, was refused by notice dated 7 February 2019.
 - The development proposed is described in the application form as 'two bedroom detached house'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal, confirmation has been provided in writing that the appeal should proceed in the name of 'T A Architects'.

Main Issues

3. The main issues are:
 - i) The effect of the proposal upon the character and appearance of the area.
 - ii) Whether the proposal would safeguard the living conditions of the occupiers of neighbouring properties at 60 Astra Drive and 19 Hopewell Drive, with particular regard to privacy, outlook and light.
 - iii) The effect upon the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site.

Reasons

Character and appearance

4. Nos. 62 and 64 Astra Drive are detached dwellings of substantial width, located adjacent to the junction of Astra Drive and Hopewell Drive. Otherwise, the area in the vicinity of the appeal site is generally characterised by semi-detached properties. For the most part, the existing buildings have regular spacing between them, particularly above ground floor level.
5. The proposed detached dwelling would be narrow in width in comparison with the prevailing building form in the area. It would be located right up to the

proposed plot boundary with the existing property at No.62 and there would be a distance of only 0.9m between the respective two storey properties. As a result, the proposed development would appear as being significantly at odds with the prevailing form, pattern and layout of development in the vicinity and would appear as being cramped within the street scene. It would conflict with the general character and rhythm of the street.

6. Although the footprint of the proposed dwelling is based on the length of the existing garage, it will be two storeys in height and therefore would be a materially different form of development to the existing garage. Whilst other nearby properties in Astra Drive have two storey extensions, these do not form new dwellings and are different in form to the proposal which would be detached from the existing dwelling at No.62. I note there are differing types of properties elsewhere within the estate. However, the properties within the vicinity of the appeal site are generally similar in character as set out above.
7. The appellant has also provided details of several existing other developments permitted by the Council. Several of these (for example 15/17 Barr Road, 5 Stanley Crescent, 62 Franklin Road, Rochester Road and properties on Thong Lane) are located a considerable distance from the appeal site and in locations where surrounding development is of a different character and form to the appeal site. I also do not have details of the full circumstances in which they were permitted. In any case, even where there is a degree of similarity with the appeal proposal, I do not consider that the other developments highlighted by the appellant justify the harm that would arise were I to allow this appeal. I have therefore afforded them only limited weight.
8. I consider that the proposal would result in considerable harm to the character and appearance of the area. It would be contrary to the relevant design aims of policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 ('the Core Strategy').

Living conditions

9. The proposed dwelling would have a first-floor bedroom window in its rear elevation. The adjacent bathroom window would be obscure glazed. The rear bedroom window would look towards the rear garden area of 19 Hopewell Drive. Given the limited depth of the proposed dwelling's rear garden, some overlooking would result to the rear of No.19, particularly the garden area. Although, there is a degree of overlooking from existing first floor windows of other properties, the proposed window would have a more direct view of No.19. I consider that this would amount to an unreasonable loss of privacy for the occupiers of 19 Hopewell Drive.
10. The side elevation of the proposed dwelling would face and be fairly close to a side facing first floor window at 60 Astra Drive. This window is located towards the front edge of this property. However, the window would look towards the front corner of the proposed dwelling rather than towards the middle of its side elevation where the impact would have been more pronounced. The window would therefore still have a partially open aspect looking towards the street. The gable roof end would also be relatively low at this point. The Council also draws attention to a marginal breach of the '25 degree rule'. I acknowledge the advice contained within the Council's Residential Layout Guidelines. However, taking account of the positioning of the window described above, I do not consider that unacceptable impacts would result on residential living conditions

for the occupiers of No.60 with regard to either outlook or light. Furthermore, as no facing windows towards No.60 are proposed, I do not consider that any loss of privacy would result. There is also another smaller window more centrally located within the side elevation of No.60, but this does not appear to be a principal window to a main room.

11. I conclude on this issue that whilst there would be no unreasonable impacts upon 60 Astra Drive there would be a loss of privacy for 19 Hopewell Drive that would not safeguard the living conditions of its occupiers. This would be contrary to the aim of policy CS19 of the Core Strategy to safeguard the amenity, including privacy, of neighbouring properties.

SPA and Ramsar Site

12. The site is located within 6km of the Thames Estuary and Marshes SPA and Ramsar Site wherein there is a need to provide mitigation from recreational disturbance to the bird population, as required by the Habitat Regulations. The Council explains that for each new dwelling it seeks mitigation through a contribution of £239.61 in accordance with the Thames Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy. It states that payment is normally required through an appropriate agreement. Such an agreement would need to be in place before determination of the application/appeal. No such agreement has been provided for me to consider further in this case. This would be contrary to policy CS12 of the Core Strategy which requires the highest level of protection to internationally designated SPA and Ramsar sites.
13. As the appeal is being dismissed on other grounds, it has not been necessary for me to consider this matter any further in this case. Should I have found no harm with regard to the other main issues, it would have been necessary for me to give further consideration to the impact upon the protected site in accordance with the Habitats Regulations.

Other matters

15. The appellant has also indicated a willingness to amend the proposals. Nevertheless, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views are sought.
16. The appellant has provided information on how parking would be provided. However, this matter did not form part of the Council's reasons for refusal. Furthermore, although the proposal seeks to make good use of the land in a sustainable location, this does not override the harm I have identified above.

Conclusion

17. I conclude that the proposal conflicts with the development plan considered as a whole. There are no material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. Therefore, having had regard to all other matters, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR