



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/19/3228769

7 Scott Road, Gravesend, DA12 5TU

- 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 Mesud Sali against the decision of Gravesend Borough Council.
 - The application Ref 20171280, dated 25 November 2017, was refused by notice dated 7 March 2019.
 - The development proposed is described in the application form as a house in the back of the garden.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Notwithstanding the description stated in the planning application form, the description of development in the Council's decision notice is the erection of a detached two bedroom dwelling and associated parking provision. The appellant has also used this description in the appeal form which I agree provides for a clearer description of the proposed development.

Main Issues

3. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the area,
 - ii) Whether satisfactory living conditions would be provided for the occupiers of the proposed dwelling, with particular regard to the garden area, outlook, privacy and access,
 - iii) The effect on the living conditions of neighbouring residents with particular regard to outlook and privacy,
 - iv) Whether the proposal would provide for satisfactory vehicle and pedestrian access arrangements.

Reasons

Character and appearance

4. The appeal site is located in the rearmost part of the existing back garden of 7 Scott Road. The rear gardens of properties on the south side of Scott Road

are relatively lengthy. Although some have rear outbuildings there are no existing examples of dwellings located within these rear gardens.

5. The proposed development has been designed so that the first-floor accommodation would be largely within the roof space. This does reduce its overall massing in comparison to a conventional two storey property. However, the maximum height of the dwelling (not including the chimney) would be approximately 6m, with a lower section of the building being approximately 5.5m. Even with a low slab level, the resulting form of building would consequently still appear as being visually prominent in this location, considerably higher than the general height of other garages and outbuildings in neighbouring rear gardens. Whilst the proposed house would be set back from existing dwellings, the creation of a single new residential plot in this location would not accord with the layout and form of existing development in the surrounding area.
6. The plot size for the proposal would also be considerably smaller than the prevailing residential plot size, particularly in relation to those of the nearby properties on Scott Road. As a result, the proposed garden size would appear as being particularly small in relation to those existing in the vicinity of the site.
7. Consequently, for the above reasons, the proposed dwelling would appear as being unacceptably cramped within its plot and out of keeping with the existing pattern and form of residential development. It would not be well integrated with the surrounding local area.
8. The proposal would result in significant harm to the character and appearance of the area, contrary to the design aims of policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 ('Core Strategy') and the National Planning Policy Framework ('the Framework').

Living conditions for occupiers of the proposed dwelling

9. A parking area would be provided to the front of the dwelling with access via the existing driveway from Scott Road. Areas of outdoor amenity space would be provided to the rear and side of the dwelling. Nevertheless, these areas would be very limited in depth and would be well short of the 7.6m garden depth recommended in the Council's Residential Design Guidelines for 2 bedroomed dwellings. This is not a location where there might be justification for a smaller garden area taking account of the character and layout of the surrounding area. Whilst outdoor amenity areas would be available to the side and rear of the dwelling, the limited garden depth and its narrowness would compromise the opportunities for outside storage, leisure use, clothes drying and play space.
10. The outlook from the proposed ground floor windows of the dwelling would be restricted by the short distances to the boundaries and the front windows would look directly onto the proposed front parking area. I note that the living room would have windows in two of the elevations. Whilst the outlook would be limited, this would not be to such an extent that would result in unacceptable living conditions for the occupiers. In addition, the use of the accessway is limited and no unacceptable privacy issues would result for future occupiers. Although there is no lighting along the access drive, this is not untypical for a residential driveway and it would not be an unacceptable situation for future

occupiers. Furthermore, lighting could be provided if required at the front of the dwelling to help access during darkness.

11. Whilst I find no unacceptable effects in respect of outlook, privacy and access, the limited garden depth would result in unsatisfactory living conditions for future occupiers. This would be contrary to the amenity aims of policy CS19 of the Core Strategy.

Living conditions of neighbouring residents

12. The north facing flank wall of the proposal would be located immediately adjacent to what would be the new rear boundary of the existing dwelling at 7 Scott Road. However, this part of the proposed dwelling would be limited in width and taking account of the separation distance to the rear windows of No.7 it would not result in any unacceptable impacts on outlook. I have also considered the extant planning permission which includes extensions to No.7. Whilst there is currently no certainty that this would be implemented, even with the proposed extension in place the effect on outlook is unlikely to be significantly harmful.
13. I also consider the separation distance to No.5 Scott Road to be sufficient to prevent any significant harm to the outlook when viewed from the rear windows of this property. The new dwelling would be more prominent when viewed from the rear garden area of No.5. However, given the large garden area of No.5 and the relationship of the proposed dwelling with it, impacts on outlook for users of the garden would be limited. Similarly, the separation distance to No.9 Scott Road would be sufficient to prevent harmful impacts upon outlook. The first-floor front windows of the proposal would look towards the rearmost part of No.9's rear garden. However, the impacts on privacy arising from this would only be limited and not unreasonable in this residential environment.
14. Any loss of privacy to neighbouring properties from ground floor windows could be resolved through appropriate boundary treatment. With the use of obscure glazing for non-habitable room windows, I am satisfied that the location of the other proposed windows would not give rise to any unacceptable loss of privacy towards the gardens and windows of any neighbouring property. Taking account of the existing residential environment, I am also satisfied that the activity arising from one additional dwelling in this location would not lead to any unreasonable impacts from noise or disturbance.
15. I therefore find that no significant effects would result upon the living conditions of the occupiers of neighbouring properties. In this respect, the proposal would comply with the relevant amenity aims of policy CS19 of the Core Strategy.

Access

16. The accessway to the proposed dwelling is fairly narrow and would not allow for the comfortable passing of vehicles. I note that the accessway serves some existing garages to the rear of existing dwellings, but both vehicular and pedestrian activity upon it appears to be limited. The speeds of vehicles using the access would be low and it is unlikely that the addition of one new dwelling would result in any harmful access implications. Furthermore, whilst there is no

lighting along the access, given the limited use of the accessway this is unlikely to result in any serious safety implications for pedestrians.

17. Therefore, there would be no detrimental impacts from the use of the access for either vehicle or pedestrian safety. The proposal accords with the relevant access and safety aims of policy CS11 of the Core Strategy and saved policy T5 of the Gravesham Local Plan First Review 1994.

Other matters

18. The appellant seeks to make more effective use of the land and states that the site is not required as part of the existing garden. It would also add to the supply of housing. I note that the definition of previously developed land in the Framework excludes areas such as residential gardens. In any case, the benefits arising from one new dwelling would be very modest and would be outweighed in this case by the harm I have identified.
19. The appellant draws attention to developments permitted by the Council at Copperfield Close and Lower Higham Road. I do not have the full circumstances of these approvals before me. However, they are in different parts of the Borough to the appeal proposal and, from the details provided, they do not appear to be that similar in their form and relationship with surrounding buildings to the development being proposed. For example, both schemes appear to involve dwellings located next to existing and/or other approved dwellings. The determination of the current appeal proposal should primarily be based on the its own merits, circumstances and material considerations. I have therefore given these other examples only limited weight.
20. The site is located within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Additional dwellings are likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed within the SPA and Ramsar Site. The Council states that the applicant has secured a payment to provide mitigation through a SAMMs Mitigation Contribution Agreement and that an appropriate assessment has been carried out taking account of Natural England's standing advice. In this instance, given my conclusion arising from the main issues, it has not been necessary for me to consider this matter any further, including any implications regarding the Habitats Regulations.

Conclusion

21. Although I have found no significant harm to result in terms of access provision or neighbouring living conditions, the proposal would result in a significant impact on the character and appearance of the area and would provide for unsatisfactory living conditions for occupiers of the proposed dwelling. The resulting harm leads me to the overall conclusion that the proposal would be contrary to the development plan when considered as a whole. There are no other 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