



Appeal Decision

Site visit made on 3 September 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 30 September 2019

Appeal Ref: APP/A2280/W/19/3232220

25 William Street, Rainham, Gillingham ME8 8HN

- 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 Graham Budge against the decision of Medway Council.
 - The application Ref MC/19/0885, dated 2 April 2019, was refused by notice dated 1 July 2019.
 - The development proposed is described on the decision notice as 'the construction of a 3-bedroom detached chalet bungalow with associated parking'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal description on the application form provides information that seeks to justify the development, rather than to clearly define what is sought. For clarity, I have used the description of the proposal stated on the council's decision notice which appears to reflect what is shown on the submitted drawings.

Main Issues

3. The effect of the proposed development on; (i) the character and appearance of the area, (ii) the living conditions of neighbours related to overlooking and privacy; (iii) the effect on highway safety with particular reference to parking.

Reasons

4. *Character and appearance*
5. The appeal site is located in a dense residential area of brick and tile, one and two storey houses which differ in age and style, and include gable fronted and timber-clad properties as well as Victorian-era terraces and cottages.
6. The site accommodates a host dwelling, 25 William Street, which forms part of Oakdene Villas; a pair of Victorian two-storey, semi-detached, rendered and pebble-dashed cottages.
7. There is a hard-standing to the front, side and rear of No 25 leading to a modest timber garage and access to the rear. The hardstanding, originally conceived as a small garden frontage, is used for parking.

8. Attached to the rear of No 25 there is a one-storey extension that is accessed through the rear living room or a door to the side of the extension. Both the living room and extension have windows facing the garden area behind the dwelling.
9. Behind No 25 there is a relatively large garden which consists of a patio seating area, lawn and mature shrubs. A small shed is accessed via a concrete garden path that leads to the latter portion of the garden. The rear boundary, which is shielded by hedging and trees, adjoins the gardens and properties in Tilbury Road.
10. The existing timber garage would be demolished so that the proposed dwelling could be accessed via the side of No 25. To the rear of the garden the development would consist of a 3-bedroom chalet bungalow in the style of a wooden barn or large shed. The design would include black roof tiles, timber clad walls, a glazed front gable, rooflights and a side dormer. There would be four car-parking spaces, one to the front and three to the existing side/rear elevation of the host dwelling.
11. In terms of mass and scale the proposed building would be approximately 6 metres wide, 17 metres long and 6 metres high. There would be a separation distance of about 27 metres from the rear of the host dwelling, 6 metres from the rear boundary and 2 metres from each side boundary.
12. The wider area offers an eclectic mix of dwellings rather than a distinct pattern and form. The proposed design includes a gable end and timber clad frontage; both features which are found in the nearby local area. The proposal, while visually different from the host dwelling will, through the use of unobtrusive materials, integrate within this specific setting and is therefore, consistent with Policy H9 (vi) of the Medway Local Plan (MLP) 2003 which states, amongst other things, that the character and amenity of the area must be maintained.

Living Conditions

13. The proposal would be positioned near the rear and side boundaries of the appeal site. While the proposed design seeks to reduce overlooking, the large, glazed front gable, despite the existing hedging and fencing, would cause harm to the privacy of the occupiers in the adjacent dwellings owing to the ability of the new occupiers to look into the neighbouring dwelling.
14. Further, the proposed parking to the rear of the host property is adjacent habitable rooms associated with No 25 and the side boundary of Nos 23 and 27. Use of this area for parking would result in harm to the living conditions of the neighbouring and host dwelling occupants due to vehicle movements. For example, but not limited to, engine noise, door closing, and disturbance associated with fumes and headlights. I consider this to be, while unobtrusive to the occupiers of the proposed development, materially harmful to the living conditions of the neighbouring occupiers.
15. Therefore, the proposal is contrary to Policy BNE2 of the Medway Local Plan 2003, which requires that all development should secure and protect the amenities of its future occupants, nearby and adjacent properties, including having regard to privacy, as well as noise, vibration, light, heat, smell, fumes and other related vehicular activity.

16. For similar reasons the proposal is contrary to aims set out in Paragraph 127(f) of the National Planning Policy Framework which indicates that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

17. William Street has some time-framed parking restrictions but at the time of my morning visit there were parking spaces available.
18. Although the availability of on-street parking may well rise and fall during the course of the day the impact of one additional dwelling is likely to be limited, especially as the dwelling is well within reach of public transport and local services. The submitted drawings show that it is possible to park four motor vehicles on the appeal site. Whether or not this number of spaces is acceptable for a proposal of this size, the location of the parking spaces, as described above, is not. My concerns are reinforced by the limited space available for manoeuvring and turning on site which has the potential to impact negatively on Highway Safety.
19. As such, the proposal is contrary to Policies BNE2, T1 and T13 of the MLP and to the objectives of Paragraphs 109 of the National Planning Policy Framework 2019, which require that new development has regard to the impact of parking and traffic generation.

Conclusion

20. Although I have found in favour of the appellant with regard to character and appearance of the area this does not overcome the harm caused to the living conditions of neighbouring occupants and highway safety.
21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR