



Appeal Decision

Site visit made on 1 October 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/A2280/W/3227781

Land between 21-23 Asquith Road, Rainham, Gillingham ME8 0JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Darren Creary against the decision of The Medway Council.
 - The application Ref MC/18/3634, dated 19 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is Erection of 2no one-bedroom flats over existing block of garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon:
 - the character and appearance of the area
 - the living conditions of future occupiers of the development with regard to noise and disturbance
 - the living conditions of existing occupiers of Nos 21 and 23 Asquith Road and Nos 99 and 101 Woodside, with regard to privacy.

Reasons

Character and appearance

3. Asquith Road is lined with dwellings of varied architectural style and scale, although pitched and hipped roofs are predominant. The majority of residential properties have small front gardens, face onto the public highway and have modest rear gardens. This pattern of development is shared in the immediate neighbouring roads, providing a locally distinctive sense of place.
4. A single hard surfaced courtyard, formed by terraces of garages, has been built to the rear of Asquith Road. Central to the courtyard is an 'island' of modern single storey garages. This self-contained courtyard is utilitarian in character and appearance, serving parking and domestic storage purposes.
5. The proposal seeks to provide 2 flats in a newly constructed first floor over the top of the 'island' of garages. The proposal would use a mansard roof to achieve the first floor. This would be a stark, bulky and incongruous addition to

the building and an alien feature in the context of the surrounding built environment.

6. The flats would not have front or rear gardens, appearing cramped and in stark contrast to the spacious grounds of the surrounding residences. The proposed development would be isolated within the garage court and its juxtaposition of with the garages would appear unattractive and incongruous within the wider surroundings.
7. The proposal would not therefore be reflective of the prevailing pattern of development in the area. It would be harmful to the locally distinctive character and appearance, contrary to Policies BNE1 and H9(vi) of the Medway Local Plan 2003 (the Local Plan), which seeks design that is appropriate in relation to the character, appearance and functioning of the built and natural environment.

Future Occupiers

8. A total of 19 garages are within the 'island' at present. The proposal is for 2 of these to be converted to provide access to the proposed flats, with a further 2 kept as parking bays to serve the development.
9. This would however leave a total of 15 un-associated garages underneath the proposed flats and their balconies. Whilst these may not be for commercial purposes, the garages are able to be used unrestricted by their residential owners. This also applies to the other terraces of garages in the courtyard that encircle the appeal site. Persons attending, working, loading, unloading, opening and closing the garages along with any associated car movements or domestic activities would have a direct unmitigated impact on the living environment of future occupiers of the development.
10. The proposal would therefore cause significant harm to the living conditions of future occupiers of the development with regards to noise and disturbance. It would be in conflict with policy BNE2 of the Local Plan that requires all development to secure the amenities of its future occupants.

Existing Occupiers

11. The proposed flats would have balconies providing their sole outdoor recreation space. Any person standing on either of the balconies would have clear views towards the rear elevations of No 21 and No 23 Asquith Road. The distance between the existing and proposed properties may be sufficient to prevent direct views room-to-room, but the private gardens for those dwellings would be in clear view.
12. Similarly, the bedrooms for both flats would be served by dormer windows close to the southern boundary of the appeal site facing towards No 99 and No 101 Woodside. The privacy of these neighbouring gardens would be compromised by the development.
13. The appellant suggests conditional removal of the balconies in order to mitigate the concerns over privacy. However, such a proposal has not been consulted upon and would reduce the standard of living for future occupiers further.
14. I acknowledge that privacy in rear gardens is not as safeguarded as that in habitable rooms. However, the proposal would result in an unacceptable degree of harm to the privacy of these neighbours. This would be contrary to Policy

BNE2 of the Local Plan that seeks to protect those amenities enjoyed by nearby and adjacent properties.

Other Matters

15. The plans constituting the appeal scheme have emerged following pre-application discussions with the Council. However, such discussions do not represent the decision of the Council and do not justify the level of harm identified. My attention is drawn to flats permitted nearby, although their circumstances are not directly comparable to the appeal site by reason of their frontage onto the highway and the time-restricted nature of the retail uses below. In any case, each scheme has to be determined on its own merits.
16. The appeal site's proximity to shops, services and public transport is noted. However, whilst the National Planning Policy Framework encourages effective and efficient uses of land this should not be a reason for poor design that fails to improve the character and quality of an area.

Conclusion

17. In light of the above I dismiss the appeal.

David Wallis

INSPECTOR