
Appeal Decision

Site visit made on 11 November 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/K2230/W/19/3232957

Malt Shovel Cottage. Canal Road, Higham. Rochester, Kent ME3 7HU

- 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 Mrs Danya Manwaring-Amphlett against the decision of Gravesham Borough Council.
 - The application Ref 20190392, dated 17 April 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as 'two 2-bedroom dwellings'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Lower Higham Conservation Area; and
 - The effect of the proposed development on the landscape.

Reasons

Whether the proposed development would preserve or enhance the character or appearance of the Lower Higham Conservation Area

3. Lower Higham Conservation Area (CA) encompasses a small hamlet focussed on a crossroads. Much of the significance of the CA is derived from its period architecture, with Dairy Farm House being a particularly good example. Many of the properties appear to date from the 19th Century and exhibit interesting detailing and high-quality external materials. The Chequers Inn (a former public house) to the east of the appeal site is a notable example.
4. The settlement has a loose knit character with houses tending to be set towards the front of their plots with gardens behind. This provides a spacious and verdant backdrop to the buildings in the street scene and a semi-rural character to the hamlet when taken with the surrounding open countryside. That said, the spacious character has been eroded by the recent infilling to the east of the appeal site.
5. The appeal site incorporates the rear most section of the garden at Malt Shovel Cottage, an altered property of period origins. The garden is currently laid to lawn and includes a semi mature tree of limited scale and thus moderate

amenity value. The garden is not overly large or out of proportion with the existing dwelling. The composition of the site is typical of the CA with the house set towards the front of the plot.

6. The erection of two semidetached properties in the rear garden of Malt Shovel Cottage would jar with the prevailing pattern of development in the CA and erode the sense of openness behind the property. However, the proposed dwellings would not appear out of place in their immediate context given the position of the terrace of three properties to the immediate east of the appeal site, which are taller and wider than the proposed semis would be. That said, the proposed dwellings would not share the orientation of the existing terrace, as their rear elevations would sit alongside the adjoining front elevations. This awkward juxtaposition would not stitch the proposal into the existing grain of development in the CA.
7. The awkward appearance of the proposal would be compounded by the poor design and proportions of the semis, which would have wide, bulky spans. They would also lack traditional period detailing such as chimneys. Instead, the dwellings would be rather bland and incorporate awkward features such as windows of modern design and proportion. The pallet of materials would also be wholly inappropriate in the context of the CA, with UPVc fenestration and composite cladding proposed. In this respect, the appeal scheme would be unlike recent infill development, such as that to the east at Chequers Court or the dwelling in Chequers Street to the north of The Railway Tavern, which have encompassed period features, with the latter even including an historic brick bond. These are modern insertions sensitive to the significance of the CA.
8. The frontage of the proposed dwellings, as well as that of the host property, would also be dominated by parking, hardstanding and fencing with little space for planting. The latter would be necessary to soften the development and compensate for the loss of the existing tree. The cramped and hard configuration of the proposal would erode the verdant and semi-rural character of the CA. The failings I have identified cumulatively go beyond what can reasonably be remedied through the imposition of a planning condition(s).
9. The appeal scheme would not be prominent in the street scene as the semis would be partially screened by Malt Shovel Cottage and the development to the east. However, they would still have a visual presence when seen from directly outside the appeal site, from Church Street looking south west and from Canal Road when looking over the roof top of the bungalows to the west of the appeal site. Thus, the dwellings would not be hidden, instead they would have a notable impact on the CA.
10. I therefore conclude that the proposal would significantly harm the character and appearance of the CA. As such, the appeal scheme would be at odds with Policies CS19 and CS20 of the Gravesham Core Strategy 2013 and Policy TC3 of the Gravesham Local Plan First Review 1994. These policies seek to secure development that is derived from a robust analysis of local context and preserves and enhances the historic environment.

The effect of the proposed development on the landscape

11. The appeal site is in the Higham Arable Farmlands Character Area. The Council's guidelines for this area are to restore landscape elements in poor condition and safeguard positive features. As established above, the appeal site

encompasses a rear garden in a discernible settlement enclosed on three sides by existing development. The appeal scheme would not expand the settlement or result in built form that would appear as an incongruous or strident incursion into the open rural landscape around Lower Higham. Accordingly, there would be no harm to the landscape and thus a conflict with Policy CS12 and CS19, in so far as they seek to conserve landscape character, would not occur.

Other Considerations

Whether public benefits would outweigh the harm to a designated heritage asset

12. The harm to the CA would be reasonably localised and therefore 'less than substantial' within the meaning of the National Planning Policy Framework (the 'Framework'). Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
13. The proposal would modestly boost housing supply by providing two additional homes. It would do so on land within a settlement and therefore it would, in a modest way, reduce the pressure to release land in the countryside for development. This would be a public benefit of moderate weight because the Council is currently unable to demonstrate a five-year housing land supply¹. In addition, the proposal would result in benefits to the construction industry and future residents may spend locally. However, the contribution to the construction industry would be short lived and I have seen nothing to suggest the 'spend' from two additional households would have a notable effect on the viability of local facilities or the additional residents to the vitality of the community. For example, evidence has not been provided to suggest local facilities or clubs are suffering for lack of patronage. As such, the cumulative benefits of the proposal carry a little more than moderate weight.
14. The proposal would meet Kent County Council's highway standards and the dwellings would provide adequate living conditions. However, the absence of harm in respect of these matters is a neutral matter.
15. Thus, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA², I find that the significant harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification.

Paragraph 11 of the Framework

16. Paragraph 11 of the Framework states that in situations where the Council is unable to demonstrate a five-year supply of deliverable housing sites, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed.
17. In this instance, the public benefits of the proposal would not outweigh the harm to the CA. Thus, the policies in the Framework provide clear reasons for

¹ The Council has confirmed that the supply is around 4.4 years and I have not been presented with substantive technical evidence that demonstrates this figure is incorrect.

² See Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

refusing the appeal scheme. It is therefore unnecessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

18. The Council have suggested that the appeal scheme would have a significant adverse effect through recreational disturbance on the Thames Estuary and Marshes Special Protection Area. However, given my overall conclusion that the appeal should fail, the proposal can have no effect on the SPA and therefore I have not considered this matter further. Various concerns have been raised by interested parties, including reservations that the appeal scheme would harm living conditions. However, given my overall conclusion it has not been necessary for me to address these matters further either.

Conclusion

19. The proposed development would not harm the landscape. However, it would significantly harm the character and appearance of the CA. Therefore, the proposal would not accord with the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR