



Appeal Decision

Site visit made on 11 November 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/A2280/D/19/3233719

69 Redshank Road, St Marys Island, Chatham ME4 3RE

- 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 Lezlee Baylis against the decision of The Medway Council.
 - The application Ref MC/19/0696, dated 14 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is described as "Current wall alongside parking space is placed on the parking space dividing line, leaving the usable space too small to park a car, and open door to get in/out of car. Damage to car has been caused previously. Visit from Chatham Maritime Trust took place on 11th March 2019. They confirmed the wall is belonging to No.69, no issues expected but we were advised to contact the council because we live on St Marys Island and Permissive Development Rights have been removed. We require planning permission to remove the wall. Please see attached word document "Planning App.doc"."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in the name of Mrs Lezlee Blackburn. The appeal is made by Mrs Lezlee Baylis. It has been clarified that this is one and the same person, with Mrs Lezlee Baylis being the married name of Mrs Lezlee Blackburn.
3. The Appeal Form describes the proposal as "Removal of gabion wall, replacing with gravel to allow car parking space as shown on plans to be utilised as a car parking space." As this more accurately reflects the proposed development I have dealt with the appeal on this basis.
4. The appellant has suggested an alternative scheme for the replacement of the gabion wall with a steel railing fence. However, the appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the Council, and on which interested parties' views were sought.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The residential area surrounding the site is characterised by a varied approach to parking of vehicles, with formal parking included within the curtilages of dwellings and informally within the street. The appeal site is part of a larger area of allocated parking to the front of dwellings situated on the southern side of Redshank Road.
7. The coherent design and layout of the hard and soft landscaping around the parking area is distinctive and prominent within this part of the residential area. Moreover, a combination of low-level planting and gabion walls mark the entry points into the parking area and a gabion wall divides the parking bays from the adjacent footpath. In combination with planting, the gabion walls assist in alleviating the visual prominence of vehicles parked perpendicular to the street. Taken together these features therefore contribute positively to the character and appearance of the area.
8. The proposal would remove part of the gabion where it returns into the parking area from the western entrance. This would be replaced by a gravelled area similar to that found between spaces elsewhere within the parking bay. This would unbalance the coherent approach to the entrances at either end of the parking area and increase the prominence of parked vehicles and hard landscaping therein.
9. The proposal would enable the appellant to park a vehicle in their allocated space more effectively by providing easier access to the vehicle, but this would be at the expense of the character and appearance of the area. Moreover, in the short term, the appellant would be likely to be able to open the doors of vehicles without encroaching into the planted area. However, without the gabion wall, there would be an open relationship between the planting and the parking space. This would lead to a greater likelihood of the planting deteriorating in the future as a result of pedestrian and vehicle movement adjacent to it. The benefits associated with improved access to the appellant's parking space would not therefore outweigh the harms that would result from the proposal.
10. For the reasons outlined above, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Hence, the proposal would not accord with Policy BNE1 of the Medway Local Plan (Adopted May 2003). The policy requires that the design of development should be appropriate in relation to the character, appearance and functioning of the built environment by respecting spaces and visual amenity of areas.
11. The proposal would also be in conflict with paragraph 127 of the National Planning Policy Framework, which requires that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and maintain a strong sense of place.

Other Matters

12. I note that the appellant has discussed the comments and objections raised by interested parties. However, none of the matters raised alter or outweigh my conclusion on the main issue.

Conclusion

13. For the reasons given above, I conclude that the appeal has been dismissed.

Paul Thompson

INSPECTOR