



Appeal Decision

Site visit made on 5 November 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/K2230/W/19/3235909

Land between 29 and 31 The Street, Shorne, Gravesend DA12 3EA

- 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 Ali Rana against the decision of Gravesham Borough Council.
 - The application Ref 20180857, dated 14 August 2019, was refused by notice dated 12 July 2019.
 - The development proposed is demolition of the existing garage and erection of a detached 3-bed dwelling with associated parking, amenity space and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within and on the eastern edge of the Shorne Conservation Area (CA). The CA is relatively small and comprises the historic core of the settlement containing a variety of historic buildings, largely two storey and constructed from various building materials including brick, timber boarding and render. A large number of buildings are positioned close to the road at the back edge of the pavement. These characteristics contribute to the significance of the CA.
4. The appeal site comprises a narrow piece of land positioned between a traditional two storey brick and render building at Nos 27 & 29 The Street and a more modestly proportioned, rendered detached dwelling at 31 The Street. It contains a single storey detached garage set back within the site and at the time of my site visit the garage building appeared dilapidated, the site was overgrown and had an unkempt appearance. Part of the side boundary between the site and No 31 is marked by a historic boundary wall. It appears from the evidence that the site and garage was used by its previous owner but that it has been under-utilised since at least 2006.
5. The site currently has an open appearance and the relative position of it to the buildings at Nos 27 & 29 and No 31 together with the topography of the immediate surrounding area means that there are views of the wider CA across the site from The Street to the southeast.

6. The proposed two storey detached dwelling would be set back from the site frontage, broadly in line with the front elevation of No 31. It would be of a similar height and design to Nos 27 & 29, albeit narrower, and would be significantly taller than No 31. In addition, though it would have a similar eaves height to No 31, its roof would be much bulkier due to the size, height and form of the roof which includes front dormers and would accommodate living space. The proposed dwelling would be positioned very close to the common side boundary with Nos 27 & 29. The position and scale of the proposed dwelling is such that it would remove the visual gap which currently exists between the existing dwellings and would result in a loss of openness to this part of the CA preventing views across it to the wider CA.
7. The relative width and height of the proposed dwelling means that its proportions would be out of keeping with surrounding development and it would appear cramped and overly bulky in the context of the narrow site and surrounding development which generally appears more spacious. Although I note that traditional materials are proposed to construct the dwelling and that there is a parking area adjacent to No 29 nearest to the site providing space between that dwelling and the proposal, these matters do not overcome the harm that would result.
8. The harm to the significance of the CA that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
9. The proposal would provide one additional dwelling in an accessible location with access to goods and services at a time when the Council acknowledges that it does not have a five year supply of deliverable housing sites. However, whilst the proposal would provide some limited economic and social benefits associated with the provision of one additional dwelling, given the scale of the development, any public benefits of the proposal would not be significant enough to outweigh the harm identified.
10. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Act. For the same reasons it would not accord with policies CS19 and CS20 of the Gravesham Local Plan Core Strategy adopted September 2014, saved Policy TC3 of the Gravesham Local Plan First Review adopted November 1994, relevant paragraphs of the Framework and guidance within the Shorne Rural Conservation Area Appraisal Supplementary Planning Document (2017). These policies and this guidance seek, amongst other things, new development to be visually attractive and locally distinctive and to conserve and enhance the character of the local built and historic environment including conservation areas.

Other Matters

11. The Council's first reason for refusal also refers to the proposal being harmful to the outlook of neighbouring properties and from the Council's Officer Report it seems that these concerns are in respect of the effect of the proposal on the

outlook from windows within the recessed western part of No 31 and from that dwelling's rear garden. The overgrown nature of the site meant that at my site visit I was unable to access the site itself and I was also unable to view the proposal from the neighbouring property at No 31. However, I am satisfied that I have sufficient information to assess the likely effect on the outlook from No 31 and in any event, my finding in relation to this issue is not determinative given that I have found harm to the character and appearance of the area.

12. Although the proposed dwelling would be set at a slightly higher level than No 31 and whilst it would project beyond the recessed rear elevation of that dwelling, the scale, position and rear projection of the proposed dwelling is such that I consider it unlikely that it would result in a material loss of outlook from any windows in that part of the dwelling at No 31. Similarly given the overall size and position of the rear garden of No 31 relative to the position of the proposed dwelling, I do not consider that there would be any harmful loss of outlook from it. I note that no objections appear to have been received from the occupiers of No 31 on the grounds of loss of outlook.
13. The Council's second reason for refusal relates to the lack of a financial contribution towards strategic mitigation measures within Special Protection Areas (SPAs). It appears that the site is located within the Thames Estuary and Marshes Ramsar Buffer Zone and the Council considers that the creation of an additional dwelling at the site would result in additional recreational activity which, in the absence of any mitigation, would be harmful to the Ramsar site. Following submission of the appeal, confirmation has been received that the appellant has paid £245.56 to the Council for SAMMS Mitigation Contribution Agreement Payment however I have received no confirmation from the Council that this payment adequately mitigates for the development and overcomes its concerns. In any event, as I am dismissing the appeal based on my findings in relation to character and appearance, there is no need for me to consider the effect of the proposal on the Ramsar site further.
14. As stated, the Council acknowledges that it does not currently have a five year supply of deliverable housing sites. However, notwithstanding this and having regard to paragraph 11 and footnote 6 of the Framework, in this case the proposal affects a designated heritage asset and the application of policies in the Framework provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development does not therefore apply.
15. Finally, in reaching my decision I note that the proposal follows discussions with the Council in an attempt to overcome concerns in relation to previous proposals on the site. However, for the reasons stated, the proposal is considered to be harmful.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR