
Appeal Decision

Site visit made on 6 January 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/A2280/D/19/3237781

126 Watling Street, Rochester, Strood, Kent ME2 3JL

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Kuci against the decision of Medway Council.
 - The application Ref MC/19/1255 dated 13 May 2019 was refused by notice dated 29 August 2019.
 - The development is boundary walls and driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for boundary walls and driveway at 126 Watling Street, Rochester, Strood, Kent ME2 3JL, in accordance with the terms of the application Ref: MC/19/1255, dated 13 May 2019, and the plan numbered P01 Rev: P3.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Based on the Council's Officer report, the appellant's application form and my site visit, it is evident the proposal has already been constructed. I have therefore considered the appeal on a retrospective basis.

Main Issue

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

Reasons

5. The appeal site is located on the northern side of Watling Street which is a long straight road. The properties along this section of Watling Street comprise mainly of detached dwellings that sit higher than the public footway and are setback considerably from the varying sizes and styles of boundary treatments to the front of these properties. The boundary treatments witnessed include hedges, railings, gates, garages and brick walls. The main public footway does not abut the boundary treatment of the appeal site or its immediate neighbours and there is a considerable distance to these which are separated by a green area. All these factors allow views into the front gardens of these properties from close and long distant vantage points and as such, provide an open feel.

6. The development comprises of a brick wall interspersed with pillars. There is also a gap in the wall to provide the driveway. Given the various types of boundary treatments within the vicinity, the solid brick used for the development relates well to the surrounding area. The Council state the boundary wall measures 2.3m high and is considered excessive. However, this is the height of the piers and much of the wall is lower. I am of the view that due to the elevated position of the dwelling and the considerable setback of this from the wall, the development does not provide a sense of enclosure, nor does it impede on the open and permeable views when approaching from the east or west of the appeal site. Although views of the front garden may be restricted when directly in front of the wall, the gap left for the driveway still provides views onto the property and front garden. As such, the development is not considered intrusive or dominant as it does not detract from the open street scene.
7. The Council do not raise any concerns with regards to the hardstanding for the driveway, and I have no reason to disagree.
8. Based on the reasoning above, the development does not have an adverse effect on the character and appearance of the area. It therefore does not conflict with Saved Policy BNE1 of the Medway Local Plan, adopted May 2003, which generally seeks to ensure developments are well designed and respect the local character. This is further echoed within Paragraphs 124 and 127 of the National Planning Policy Framework.

Other Matters

9. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments. Given that I have concluded that the development is acceptable, I can see no reason why it would lead to harmful developments on other similar sites in the area.

Conditions

10. As the development has already been constructed, there is no need to regulate the commencement of the development through a planning condition as suggested by the Council. Furthermore, as the materials used are acceptable there is no need to control these by condition either. I have however phrased the terms of the decision so that it includes specific reference to the plan in the interests of certainty.

Recommendation and Conclusion

11. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR