



Appeal Decision

Site visit made on 13 May 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2020

Appeal Ref: APP/A2280/W/19/3244588

Land South of Primary School, Avery Way, Allhallows, Rochester

- 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 Parish Clerk to Allhallows Parish Council against the decision of Medway Council.
 - The application Ref MC/19/1999, dated 12 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is described as 'part change of use of land for a waste storage compound'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - open space provision; and
 - the character and appearance of the area, including the effect on nearby trees.

Reasons

Open space

3. The appeal site forms part of a parcel of land located between Avery Way and residential properties within Shelduck Close. The land features trees and other vegetation enclosed by fencing. A similar parcel of land is located adjacent to the south. Allhallows Primary Academy is to the north of the site and features trees along its front boundary. An open field and tree belt are located on the opposite side of Avery Way. The prevalence of vegetation provides the area with a distinctly verdant character.
4. Medway Local Plan (Local Plan) policy L3 seeks to protect open space. The Council considers that the site is amenity land, which is a form of open space for the purposes of policy L3. This is not disputed by the appellant. The parcel of land on which the site is located, and the adjacent parcel, act as soft landscape buffers which provide visual relief to Shelduck Close and make a valuable contribution to the character and appearance of the area. I agree that the parcels of land, and therefore the site, constitute amenity land for the purposes of policy L3.

5. Policy L3 states that proposals involving the loss of open space will only be permitted where the development is used for sport and recreation purposes, it is allocated in the Local Plan, or alternative open space is proposed elsewhere. The proposed waste storage compound does not meet these requirements.
6. Whilst I accept that the compound would be a small structure, it would nevertheless result in the loss of open space. I acknowledge that the appellant has suggested that there is no shortage of open space in Allhallows and that a waste storage area is required in the area; however, these matters do not overcome the proposal's conflict with policy L3.
7. I therefore conclude that the proposal would result in an unacceptable loss of open space. The proposal is contrary to policy L3 of the Local Plan, which seeks to protect open space.

Character and appearance

8. The proposed compound would be made entirely from wood which would be compatible with the vegetation around it but, notwithstanding this, I have concerns regarding its effect on the character and appearance of the area as a result of its proximity to nearby trees.
9. A tree survey has been submitted which identifies that the trees nearest to the site are a prunus (T1) and a field maple (T2). The trees are located towards the front of the amenity land and the compound would be positioned between them. I noted from my site visit that there are also trees to the rear of the site which would be near the compound. The nearby trees make up a significant proportion of the vegetation toward the northern end of the amenity land and provide for a continuous band of vegetation along Avery Way, between the amenity land and the school frontage. Thus, I consider that the trees contribute positively to the appearance of the amenity land and the character of the area.
10. The appellant has stated that the proposal does not involve the removal of any trees. However, the tree survey confirms that no site survey or plans for the proposed development were available at the time it was undertaken. It also states that the removal of trees should be considered where the proposal is deemed incompatible with them, such as where foundations are required within their rooting environments.
11. As the tree survey was not informed by the proposed development, I cannot be certain as to extent of any impacts on the nearby trees. The compound would require some form of foundations within the trees' rooting environments and, on that basis, I cannot be certain that the trees would not need to be removed. Even if the proposal does not require the removal of the trees, it is highly likely that a low bough of T2 which overhangs the site would need to be removed. Further tree work may also be necessary to provide sufficient space to construct the compound and maintain an appropriate degree of clearance around it.
12. A reduction in the size of the trees, or their removal, would reduce the prevalence of vegetation on the amenity land and threaten the continuity of vegetation along Avery Way. In turn this would negatively impact on the appearance of the amenity land and undermine the verdant character of the area more widely.

13. I therefore consider that the proposal fails to demonstrate that its effects on the character and appearance of the area would be acceptable. I conclude that the proposal is contrary to policies BNE1 and BNE43 of the Medway Local Plan and the National Planning Policy Framework which, amongst other things, seek to ensure that development has an acceptable effect on the character and appearance of an area.

Conclusion

14. For the reasons set out above, I dismiss the appeal.

Mark Philpott

INSPECTOR