The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 June 2020

Appeal Ref: APP/A2280/W/19/3244021
76 Ivy Street, Rainham, Gillingham ME8 8BH

- 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 B Quaye against the decision of The Medway Council.
- The application Ref MC/19/2109, dated 9 August 2019, was refused by notice dated 3 December 2019.
- The development proposed is a two storey side extension and conversion into three flats.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- The effect of the proposed development on the character and appearance of the building and the surrounding area.
- The effect of the proposed development on local highway conditions, particularly in terms of parking.
- The effect of the proposed development in terms of loss of a dwelling suitable for single household occupation.
- Whether the proposed internal layout would provide suitable living conditions for the future occupiers of the flats.

Reasons

Character and appearance

3. The appeal site is located at the end of a short terrace of properties towards the bottom of Ivy Street, close to its junction with Solomon Road. The area is residential in character, with a mix of modern and older houses resulting in a variety of architectural styles, including properties arranged in terraces and some semi detached. Whilst extended at ground floor level to the rear, the appeal property retains a modest scale with more traditional features that are consistent with the older appearing properties on the street. The end of terrace position gives it a wider plot than the adjoining neighbours, which provides a driveway and side access from the street to the rear garden.

4. The proposal would extend the property considerably to the side and to the rear at all levels. Public views of the proposed extensions to the rear, including the dormer roof addition, would be more limited and restricted mainly to closer views from the road. The roof addition in particular would be visible principally in side profile. The extensions would be more visible from windows and other private spaces of surrounding neighbouring properties, although limited to a degree by the depth of gardens and presence of trees, fences and other built forms

5. The proposed rear gable roof extension would have a ridge height similar to that of the existing closet wing and wings of neighbouring properties. As a result of the consistency with other built forms this addition would not harm the character and appearance of the building or the wider area.

6. The rear roofline of this short terrace is currently unaltered by roof extensions. However, my attention is drawn to a number of more publicly visible dormer extensions in the wider area that, whilst not extensive in number, demonstrates that such extensions inform the general character of the area. Whilst bulky, attempts have been made to reduce the overall visual impact of the proposed dormer extension, including by setting it in from the eaves and ridge of the host property.

7. The Council's concerns about the impact of the gable and dormer extensions in combination are noted. However, given the views described and the design aspects of the additions discussed above, I conclude that the extensions, when viewed together and as part of the wider scheme, would not be of a scale or design that harms the host building or the wider area. Planning conditions relating to materials would further assist with integrating the proposals into their surroundings.

8. For the reasons set out above I find that the proposed development would not have a harmful effect on the character and appearance of the building and the surrounding area. Consequently, I do not find conflict with policies contained in the Medway Local Plan 2003 (the Local Plan), in particular Policy BNE1 which seeks to ensure that new development achieves an appropriate standard of design.

Highway conditions

9. The revised design and access statement submitted with the planning application and the officer's report indicate that no off street parking would be provided for the 3 flats. This is a reduction in the existing situation where parking provision is made on the driveway to the side of the property. This means that any cars belonging to future occupiers of the flats would be parked on the surrounding roads. On street parking on Ivy Street is controlled by the use of residents parking permits.

10. Evidence put forward by both main parties relating to the sustainability of the location is noted. The site is situated in an accessible location with access to public transport in the form of bus routes and a train station and a number of day to day amenities are within walking distance. Notwithstanding the accessible location and parking controls, the area around the appeal site appears to experience a degree of highway stress, made worse as Ivy Street is narrow in places.

11. My attention is drawn to the Council's Parking Standards linked to the Local Plan in Policy T13, which aims to provide minimum standards to ensure that sufficient parking is provided for new developments. Whilst the development would fall short of these standards, I note that they are of some age and as such cannot be fully relied upon as a credible source of evidence.

12. The parking survey information submitted by both the appellant and the Council provides more up to date sources of evidence, although it is based on observational data rather than statistical. I also note that third party comments provide some account of the parking situation experienced on the roads nearby. Particular concerns are raised about the situation in later evenings, which is a period that is not fully addressed in the appellants survey. The Council draw my attention to their own survey work undertaken later in the evening, which highlights a high degree of occupancy of parking bays and that parking in the area is at capacity. I also note comments about the levels of occupancy leading to pressure to park inconsiderately and outside of bays, which has a particular impact on Ivy Street due to the narrowness of the road.

13. I acknowledge that the size of the flats proposed and the general sustainability of the location may lead to some future occupiers choosing to not own a car. The existing parking stress in the area may also serve as a disincentive to car ownership. Notwithstanding this, the evidence does not lead me to conclude that no car ownership across the development is a reasonable prospect. As such, I conclude that the proposed development would add to the existing pressures for on street parking with a consequent impact on the living conditions of owners of neighbouring properties.

14. For the reasons set out above I find that the proposed development would have a harmful effect on local highway conditions, particularly in terms of parking. Consequently, I find conflict with policies contained in the Local Plan, in particular Policies BNE2, T1, and T13 which taken together seeks to ensure that new development can be accommodated within areas without putting strain on local highway conditions or harming the living conditions of occupiers of properties nearby.

Loss of dwelling

15. My attention is drawn to Policy H6 of the Local Plan relating to the redevelopment of larger dwelling houses to provide self contained flats. The policy appears to be permissive of flat conversions. Exceptions to this include where the house is in an area predominantly in single household occupation (H6 i) or the house is of a size that is suitable for single household occupation (H6 ii).

16. I note that the justification for this policy includes protecting the character and amenity of residential areas where single household occupation is the norm, whilst encouraging conversion where such development is already established. Impact on the character and appearance of the area and amenity resulting from highways impacts are considered elsewhere in this decision.

17. In relation to the principle of the proposed development under Policy H6, I note that the Council have provided limited evidence to demonstrate that the make up of the area is predominantly in single household occupation. As such, the evidence available does not lead me to conclude that the development would run contrary to Policy H6 i.

18. Turning to H6 ii, the appeal property does appear to be of a size that is suitable for occupation by a single household. However, whilst I am mindful of the aims of the policy, this must be offset against the wider contribution that the proposed development would make to housing delivery, which weighs in favour of the development. I also note that the proposal includes the provision of a larger flat at ground floor level with access to a garden that has the potential to provide for a larger household than the other flats proposed.

19. Weighing this issue up, and mindful also of the age of the Local Plan and lack of more up to date evidence presented by the Council on housing needs and impacts to justify a strict application of Policy H6 i and ii, I conclude that the refusal of planning permission on the grounds of conflict with this policy alone is not justified.

20. For the reasons set out above I find that the proposed development would not have a harmful effect in terms of loss of a dwelling suitable for single household occupation. Consequently, I do not find conflict with policies contained in the Local Plan, in particular Policy H6 i and ii relating to dwellings in single household occupation.

Living conditions – future occupants

21. Concern is raised about the size of the flat referred to as Flat 3 on the plans and whether it meets the relevant local and national housing standards.

22. Considering the chosen layout of Flat 3, I note that it would be spread across the new first and second floors. The layout appears logical and to make suitable use of the constraints of the site. The staircase that provides access between the 2 floors and associated hallway/landings would be compact and located so as to not divide the main living spaces. In this respect, and given the limited level of shortfall that may be applicable, a strict application of standards to require additional floor area in the order indicated by the Council to compensate for the flat being across 2 levels would be overly rigid and lacking in merit.

23. For these reasons I find that the layout of the proposed development would provide suitable living conditions for the future occupiers of the flats. Consequently, I do not find conflict with policies in the Local Plan including Policies BNE2 and H4 concerning the amenities of future occupiers of properties.

Other Matters

24. Representations from third parties are noted. Some of the comments raised relate to the main issues and are discussed above. Other comments do not affect my conclusions on the main issues.

25. The appeal site is identified as being within 6km of the North Kent Marshes SPA/Ramsar Sites. In line with the Conservation of Habitats and Species Regulations 2010 I must as the competent authority ascertain that the development would not have an adverse impact on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. However, in light of my findings of harm discussed above, I do not need to address this matter further.

26. The appellants comments relating to the handling of the planning application by the Council are noted. However, these are best addressed by the Council.

Conclusion

27. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR