



Appeal Decision

Site visit made on 18 November 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2020

Appeal Ref: APP/A2280/W/20/3253256

Land at rear of 53 Danes Hill, Gillingham, ME7 2TU

- 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 Deborah Doust against the decision of Medway Council.
 - The application Ref MC/20/0019, dated 2 January 2020, was refused by notice dated 2 March 2020.
 - The development proposed is the erection of a two-bedroom dwelling with associated parking and demolition of garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are 2 main issues in this case: i) the relationship of the proposal to the street scene and the local pattern of development; and ii) the adequacy of the private garden space for the intended occupiers and that which would remain for the occupiers of 53 Danes Hill.

Reasons

The site and surroundings

3. The host dwelling in this appeal, No. 53 Danes Hill, is situated on a corner plot at the junction with Grove Road. It is within an urban area comprising mainly single-family dwellings, and can be regarded as a sustainable location, reasonably well related to the normal services and facilities for day to day living. The immediately surrounding area includes a predominance of detached dwellings, but there are also semi-detached and terraced houses. A common feature is that the width of curtilages tends to be limited. No. 53, being a corner plot, is wider than many in the area. At present the rear part of the garden, where it abuts No. 2 Grove Road, is occupied by a substantial garage building with a pitched roof and a mono-pitched roofed side extension.

The street scene and the local pattern of development

4. In respect of this issue, the council cites Policies BNE1 and H4 of the Medway Local Plan 2003. The introduction to Policy BNE1 states that it is intended that all development will make a positive contribution to the character of the area by being designed to a high standard and respecting neighbouring property. The text of the policy itself reads: "*The design of development (including extensions, alterations and conversions) should be appropriate in relation to*

the character, appearance and functioning of the built and natural environment by: (i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and (ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and (iii) where appropriate, providing well structured, practical and attractive areas of open space”.

5. Policy H4 is a general policy encouraging the best use of development opportunities in urban areas, with item ii) being a relevant part in relation to the appeal proposal: *“(ii) the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result)”.*
6. Whilst the local plan was adopted before the National Planning Policy Framework (the Framework) was introduced, national planning policy carries an emphasis on good design and the improvement of the environment, such that the local plan, in respect of the issues in this appeal, is consistent with national policy. The following parts of the 2019 revised Framework illustrate this.
7. Paragraph 70 of the Framework states, inter alia, *“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.* In chapter 12 of the Framework ‘Achieving well-designed places’, paragraph 124 includes the statement that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.* Paragraph 127 of the Framework, as is applicable here, requires that planning policy and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character.
8. The appellant argues that the design of the proposed dwelling conforms to the local plan policies and relevant parts of the Framework. I agree with the appellant that there is a mix of architectural styles in the area, that external materials of the proposed dwelling would reflect the surrounding existing development, and that the front elevation would respect the building line in Grove Road. Furthermore, the design features of the dwellings in the area are varied and provide a very mixed character and appearance.
9. Nevertheless, in terms of the immediate street scene, the context of the site in this part of Grove Road is provided by bungalows. Whilst No. 53 Danes Hill has accommodation at first floor level, this is primarily achieved by the insertion of dormer windows in the roof; but the side elevation onto Grove Road is long rather than vertical in emphasis. The appeal proposal has necessarily adopted narrow elevations on a square plan form, having a vertical emphasis. Added to this, the roof forms, necessary to obtain the required accommodation, appear contrived, with the hipped gable in the front elevation, and the tall hipped table-top main roof.
10. The result is distinctly incongruous in the street scene. The fact that the proposed dwelling would be set hard against the boundary with No. 2 Grove

Road and under half a metre from the dwelling itself, and that the space between it and No. 53 Danes Hill would be curtailed, would be features that further run against the established appearance of this part of Grove Road. On this issue, I conclude that the proposal would be incongruous and damaging to the street scene, and would fall well short of achieving well designed places. As such it would be contrary to the intentions of local Plan Policies BNE1 and H4 and of paragraphs 70, 124 and 127 of the Framework.

The adequacy of the private garden space

11. In respect of this issue, the council quotes local plan policy BNE2 and Framework paragraph 127f. Having looked at these, I do not find them particularly helpful in making a judgement on this issue. However, in respect of garden sizes, guidance is set out in the document Medway Housing Design Standards (Interim) 2011 (MHDS). This states that gardens should normally have a depth of 10m, with 7m being the minimum when constraints exist. According to the council, the depth of the garden, as indicated on the proposed site plan, would vary between 3.6m to 6.6m. The appellant's appeal statement does not question the accuracy of these dimensions, and using the linear scale on the site plan, I have no reason to question them either.
12. In addition, the appeal site and No. 53 Danes Hill are in the same ownership, (as shown by the blue outline on the Site Location Plan), so that the plot is achieved by dividing the existing garden of the host dwelling. The scheme would result in the depth of the substantial house at No 53, when measured from the main rear elevation of that dwelling, being reduced to approximately 3.8m (again the uncontradicted council's measurement).
13. It is therefore clear that there would be a significant shortfall in the private garden areas in the context of the guidance specified in the MHDS. I have not been given the full details of the status of the MHDS document, but the standards that have been referred to appear to me to be very reasonable, and they have not been challenged by the appellant. In any event, without the particular guideline minimum measurements, it is clear to me that the appeal proposal does not provide for satisfactory areas of private garden space for either the appeal dwelling or that which would be left for No. 53 Danes Hill. This amounts to a serious shortcoming of the proposed development. I conclude that the private garden spaces proposed to be provided, and their irregular configuration, would be inadequate for the future occupants of the appeal site and the household at 53 Danes Hill.

Conclusions

14. Having considered all the matters raised, in view of my reasoning above, I conclude that the appeal development would be incongruous in the street scene and the local pattern of development, and the private garden space, for both the proposed dwelling and the existing house at No. 53 Danes Hill, would be inadequate. The appeal will therefore be dismissed.

Terrence Kemmann-Lane

INSPECTOR