
Appeal Decision

Site visit made on 5 February 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Reference: APP/A2280/D/20/3262942

Land at 37 Railway Street, Gillingham ME7 1XH

- 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 Ms D Yamoah against the decision of Medway Council.
 - The application (reference MC/20/2007, dated 3 August 2020) was refused by notice dated 9 October 2020.
 - The development proposed is described in the application form as a “two storey side extension and all associated works”.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by loss of light or outlook).

Reasons

3. The appeal site is located in a conservation area, in a densely built-up part of Gillingham, very close to Gillingham Railway Station. The locality has become more densely developed over the years, both by new construction and by the subdivision of older buildings.
4. In the vicinity of the appeal site, Railway Street runs alongside the railway line and properties facing the railway stand above the level of the road, dominating the streetscene. Number 37 Railway Street is a large two-storey Victorian house, built on this higher ground, at the end of a row of buildings that have a similar scale and character. It stands at the junction of Railway Street and Kingswood Road and the elevated front garden overlooks both roads, providing the main part of the outdoor space that is available to the house.
5. In addition, the property has a small paved yard, between the main side wall of the house and the gable end wall of the building at number 35 Railway Street. This courtyard is enclosed by the walls of adjacent buildings, by a low wall and gate at the front and by a short boundary wall at the rear. It is evidently heavily overshadowed, damp and little used.

6. It is now proposed to infill the majority of the side yard, by the erection of a narrow side extension to the house that would be mainly two-storey but including a single-storey element. In addition, a second floor would be added towards the rear of the property, above a narrow section that accommodates an existing bathroom and part of the kitchen.
7. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
8. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy BNE2 of the 'Medway Local Plan' (which was adopted in May 2003). This Policy specifically addresses considerations of residential amenity.
9. The existing yard area is of limited practical usefulness, mainly because of its cramped and shaded character. However, the neighbouring property has been converted to form two flats and the yard is overlooked by small side windows at both ground and first floor levels, which serve bathrooms in the flats. Indeed, the window on the ground floor (at least) is obscured. The access to the rear of number 35, on the north side of the building, also creates a narrow courtyard adjacent to the appeal site, which is overlooked by various windows.
10. In recognition of the side windows at number 35, on the boundary with the appeal site, it is proposed that the new extension would be set back to leave a gap between the two buildings at this point. The gap would be very narrow, however, and difficult to access for maintenance purposes. Moreover, although it would still be possible for the windows to be opened, there would be a significant loss of light, especially in respect of the window on the ground floor. The effect would be extremely cramped and awkward and, moreover, the direct effect on neighbours' amenities would be unacceptable in planning terms.
11. The rear courtyard of the adjoining building, which provides access, is narrower than others in the row (as a result of the original layout) and the proposed construction at first floor level would, collectively, dominate it to some extent. The new elements would also limit the outlook from rear windows. Again, the project would be significantly detrimental to the quality of life of the neighbours.
12. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced that real harm would be done to the residential amenities of neighbours, by causing an unacceptable degree of loss of light and outlook that would be unacceptable even in this closely built-up urban location.
13. In short, I have concluded that the objections to the project clearly outweigh its benefits and that it would conflict with both national and local planning policies (including Policy BNE2 of the 'Medway Local Plan').

14. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR