



Appeal Decision

Site visit made on 20 April 2021

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 30th April 2021

Appeal Ref: APP/A2280/W/20/3258855

Land at 69 Hawthorn Road, Strood, Kent ME2 2HP

- 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 Manor House Developments Limited against the decision of The Medway Council.
 - The application Ref MC/20/1112, dated 14 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is a 2-bedroom detached dwelling with associated parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for a 2-bedroom detached dwelling with associated parking spaces, on land at 69 Hawthorn Road, Strood, Kent ME2 2HP, in accordance with the terms of the application, Ref MC/20/1112, dated 14 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans:
 - 19.86.SK14 Block Plans - Existing and Proposed
 - 19.86.SK15 Ground/First Floor Plans
 - 19.86.SK16 East Elevation
 - 19.86.SK17 North/West Elevations
 - 19.86.SK18 South Elevation
 - 3) No construction work above ground floor slab level shall take place until details of the external facing materials have been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with these approved details.
 - 4) The proposed dwelling shall not be occupied until 3 parking spaces have been laid out within the site in accordance with drawing no. 19.86.SK15. Thereafter, the said parking spaces shall be kept available at all times for the parking of vehicles in connection with the existing and proposed new dwellings on the site.
 - 5) The proposed new dwelling shall not be occupied until two of the proposed parking spaces on the site have been provided with electric vehicle charging points, in accordance with details that shall have been submitted to the local planning authority and approved in writing.

Main issues

2. From the submissions before me, the main issues in the appeal are:
 - the effects of the proposed development on the area's character and appearance;
 - and whether the development would maintain adequate living conditions at the existing property, No 69 Hawthorn Rad, in terms of private outdoor amenity space.

Reasons for decision

Effects on character and appearance

3. I saw on my visit that Hawthorn Road, together with Maple, Beech and Cedar Roads, forms part of an inter-war estate of mainly semi-detached houses. The appeal property, No 69 Hawthorn Road, occupies a corner plot at the junction with Maple Road. The proposed new dwelling would be sited to the side of the existing house, facing Maple Road. Three parking spaces would be provided, to serve the two dwellings, with access from Hawthorn Road.
4. The new dwelling would project slightly forward of the existing building line formed by Nos 6-12 Maple Road. To my mind however, the uniformity of the building lines in this particular street is not one of the estate's more pleasing features. Indeed, it is notable that where more variation has been incorporated into the layout in other parts of the estate, such as further east along Hawthorn Road, the quality of the townscape is markedly richer and more distinctive for it. The same point is further illustrated by the recently built new dwelling on the corner plot between Maple Road and Beech Road. In my view, the addition of a new dwelling at the appeal site, as now proposed, would bring a welcome element of interest and variety to an otherwise rather dreary and monotonous street scene.
5. The gap that would be left between the new dwelling and the existing No 69 would be only one metre. But space between buildings is again not a particularly significant feature of the estate. The gap in this case would be narrower than most, but it would not be so different as to be unduly noticeable. It is true that in general the corner plots throughout the estate are more spacious, but in most cases those corner spaces have been treated as rear gardens, and fenced for privacy, negating any contribution to the public realm. In the appeal proposals, the majority of the site's frontage to both Hawthorn Road and Maple Road would become part of the new dwelling's front garden. To my mind this would adequately preserve the openness and spaciousness of this corner area, and indeed would be likely to secure these qualities for the long term.
6. I conclude that the proposed development would be acceptable in terms of its layout and siting, respecting the scale, spaces and visual amenity of the surrounding area, as required by Policy BNE1 of the Medway Local Plan (the MLP), adopted in May 2003. The development would therefore cause no harm to the character or appearance of the site or the surrounding area.

Private amenity space

7. The existing property No 69 Hawthorn Road would lose a large part of its existing garden. The remaining area would comprise mainly a patio, decking and a shed. In total this area would be significantly smaller than the garden currently enjoyed by the property's occupants. But this retained garden would be south-facing, with a largely open aspect, and consequently would be able to receive at least some direct sunlight throughout much of the day. The garden would also be relatively private. There is no evidence that any local standards or guidelines would be infringed. I note the particular circumstances of the current occupiers. However, for the reasons outlined above, it seems to me that the retained garden would be adequate for the needs of most occupiers.
8. The proposed new dwelling would have a more than adequate garden, to the front, side and rear.
9. I conclude that in terms of private amenity space, the proposed development would provide acceptable living conditions at both the new and existing dwellings. In this respect the development would accord with the relevant provisions of MLP Policy BNE2 which seeks to ensure good living conditions in new development.

Other matters

10. MLP Policy H4 supports residential development within the defined urban area, including the use of vacant land and infilling within existing residential areas. The appeal proposal would provide a new dwelling, by utilising an under-used site within the urban area. In general terms therefore, the scheme would accord with the aims of Policy H4.
11. The appeal site is within 6km of the North Kent Marshes Special Protection Area (SPA) and Ramsar site. The Planning Officer's report confirms that a payment has been made by the appellant in respect of mitigation for any impact that the development might have on these internationally protected sites, in accordance with an interim tariff agreed between the Council and Natural England. Based on the information available, I am satisfied that the proposed development would not adversely affect the protected sites or their conservation objectives.
12. I note the matters raised regarding parking and highway safety, but from my observations, any problems in this regard do not appear to be severe. The concerns in relation to foul and surface water drainage do not appear to be shared by any of the relevant authorities. None of these issues seem to me to be so serious as to warrant refusal of permission in this case.

Conditions

13. A condition specifying the approved plans is necessary to define the nature of the development. A condition relating to materials is needed to ensure a satisfactory appearance. A condition relating to the provision of car parking is needed to ensure the proper provision of these facilities, in the interests of good highway management. A requirement for charging points is reasonable in the light of national policy as set out in paragraph 110 of the National Planning Policy Framework.
14. A requirement for a construction environmental management plan is not justified in view of the small scale of the development. Restrictions on future

changes of use or permitted development are not justified as these are governed by national legislation and there is no evidence of any exceptional circumstances.

Conclusion

15. For the reasons already stated, I conclude that the proposed development would cause no harm to the area's character and appearance, and would provide satisfactory living conditions for existing and future occupiers at the site. In these respects, the scheme would accord with MLP Policies BNE 1 and BNE2. The development would also provide an additional dwelling, in a location generally in accordance with Policy H4. The proposed development would therefore accord with the development plan as a whole.
16. Having taken account of all the matters raised, I find that no material considerations weigh against the development.
17. The appeal should therefore succeed, and accordingly, is now allowed.

J Felgate

INSPECTOR