



Appeal Decision

Site visit made on 14 July 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/A2280/W/20/3256729

87B Brompton Lane, Strood, Rochester ME2 3BA

- 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 Colthorpe against the decision of Medway Council.
 - The application Ref: MC/19/3040 dated 19 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed is construction of new dwelling and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted and all representations completed, the National Planning Policy Framework (Framework) has been updated in July 2021. Both the Appellant and the Council have been offered an opportunity to comment on the NPPF, and its relevance to this case, and I have taken their further representations into account in my decision. All references in this decision are to the July 2021 Framework.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area;
 - b) Whether the proposal would provide a satisfactory living environment for occupiers of both the existing and proposed dwellings, with particular regard to bedroom sizes and amenity space, and
 - c) The impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes (SPAs).

Reasons

Issue a) Character and Appearance

4. The appeal site is a semi-detached property with a detached garage to the side, towards the north-western end of Brompton Lane and on the corner of Jersey Road and within a predominantly residential area. The first part of

Brompton Lane leading off Gun Lane has a much tighter pattern of development with terraces of houses fronting the street but towards the north western end, the development becomes more varied and the houses more spacious in their setting and spacing to each other.

5. I am advised that the existing pair of semi-detached houses, which are staggered in their siting with No.87B set further back from the frontage than 87A, were part of the large garden to the bungalow at No 87. The proposal would demolish the existing garage and make alterations to the existing property and create a new attached dwelling in line with No 87B.
6. The development would extend across the full width of the plot to the side boundary with Jersey Road. The infilling of the full width of the plot with two storey development up to the side boundary would appear as a cramped form of development, out of character with the more spacious pattern of development at this end of Brompton Lane. Furthermore, when viewed from the junction of Brompton Lane with Jersey Road or from further along Jersey Road, the new house would appear visually over prominent in the street scene, by standing forward of the general building line along Jersey Road.
7. The proposed development would therefore in my view appear cramped and an overdevelopment of the plot and would detract from the more spacious pattern of development in the local area.
8. I therefore conclude that the proposal would harm the character and appearance of the local area. This would conflict with Policy BNE1 of the Medway Local Plan 2003 (Local Plan) and Section 12 of the Framework, both of which seek, amongst other things to secure well designed development which respects the local context.

Issue b) Satisfactory Living Environment

9. I agree that one of the proposed bedrooms for the new dwelling would be small in size and smaller than the Nationally Described Space Standard for a single bedroom. However, I have not been directed to an adopted development plan policy requiring compliance with the standard and I do not therefore consider that taken on its own, it would justify withholding planning permission.
10. There appear to be a variety of garden sizes in the local area. Whilst the garden sizes available to the two houses (existing house as amended and proposed new house) would appear to be smaller than many of the surrounding gardens, there is no policy requirement relating to size of gardens. The rear garden areas available would be regular in shape and would provide usable space for the residents.
11. I therefore conclude that the proposed development would provide a satisfactory living environment for residents of the new dwelling as well as the one proposed to be modified. There would be no conflict with Policy BNE2 of the Local Plan and Paragraph 130 f) of the Framework, both of which seek to secure a high standard of amenity for existing and future users.

Issue c) SPAs

12. I am advised that appeal site lies within 6km of the North Kent Marshes SPA/Ramsar sites and that as a result the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal

SPA/Ramsar sites from recreational disturbance on the over-wintering bird interest. The Conservation of Habitat and Species Regulations 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.

13. I have very limited information before me regarding the steps taken by the Council, although the Council has confirmed that in accordance with advice from Natural England, an appropriate tariff per new dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.
14. The Appellant in his final comments dated 9 February 2021 has advised that he has paid the relevant contribution of £250.39. Whilst I have no reason at all to question that the payment was made, I have received no confirmation from the Council. Furthermore, I have received an undated and unsigned unilateral undertaking which refers to additional costs to be paid and I do not know the status of these payments.
15. I cannot therefore be satisfied on the very limited information before me from the Council as well as from the Appellants that there would not be a significant adverse effect on the SPA / Ramsar sites. The development would therefore be in conflict with Conservation of Habitat and Species Regulations 2017 and is contrary to paragraphs 180 and 181 of the Framework and Policy BNE35 of the Local Plan which seek to protect such habitats.

Planning Balance

16. The Appellant has indicated that the Council cannot identify a five year housing land supply, and the Council has not disputed this position, although no further details are provided. I have no reason to disagree with the Appellant's statement and as such, paragraph 11 d) of the Framework should therefore be engaged.
17. Whilst paragraph 60 of the Framework refers to boosting significantly the supply of homes, the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles the proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest.
18. In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house.
19. Whilst I have concluded that the proposal would create a satisfactory living environment for future occupiers, this would not outweigh the harm I have concluded with regard to the character and appearance of the local area and to ecological interests off site. These are all matters which contribute to sustainable development, as set out under the development plan and the Framework.
20. The harm I have concluded would be significant and as a result the social and environmental roles of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore,

the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

21. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR