



Appeal Decision

Site Visit made on 17 August 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021.

Appeal Ref: APP/V2255/W/20/3271542

24 St Pauls Court, Lynsted ME9 0RE

- 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 James Wooding against the decision of Swale Borough Council.
 - The application Ref 20/502122/FULL, dated 17 May 2020, was refused by notice dated 3 August 2020.
 - The development proposed is "Change of use of land to residential, removal of existing fence, erection of a shed, and associated screening landscaping".
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of land to residential, removal of existing fence, erection of a shed, and associated screening landscaping at 24 St. Pauls Court, Lynsted ME9 0RE in accordance with the terms of the application, Ref 20/502122/FULL, dated 17 May 2020, subject to the attached Schedule of Conditions.

Preliminary Matters

2. The submitted details refer to part of the appeal site being enclosed within an unauthorised fence which is proposed to be removed. I note that part of the unauthorised fence has since been removed, but its posts remain in place. As both main parties agree the fence is unauthorised and in breach of planning control, it has not affected my reasoning on the main issues.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and highway safety.

Reasons

Character and Appearance

4. The appeal site is occupied by an end of terrace house with rear garden within a twenty-first century housing development. To the rear of the garden, which is enclosed by a tall close-boarded fence, is a communal parking area with six spaces. Landscaped areas are located either side of the entrance to the parking area; the northern landscaped area is heavily planted and the southern area is bare. The access drive to the parking area runs along the eastern side of the appeal site, also abutting tall close-boarded fencing which forms the rear boundaries of properties on The Street.
5. The proposed shed would occupy the southern landscaped area and replace a section of the appeal site's rear garden fencing, ensuring it would open directly

into the garden and its rear and side walls would be exposed to the communal parking area and access drive, set behind thin landscaping strips. I note that other, more prominent landscaped areas within the housing development make an important contribution to the pleasant character and appearance of the area. Although the proposal would be an unconventional arrangement which did not form part of the original plan for the housing development, the proposed shed would not appear as a surprising feature, considering its immediate surroundings, which include tall close-boarded fencing.

6. Its size and siting would reflect surrounding boundary treatments in this location, and it would comfortably align with the rear garden fencing of the appeal site and the existing thin landscaping strip skirting the appeal site. It would not be in a prominent position, being at the rear of a small number of residential properties, with no effect on the street scenes that define the wider housing development. In the small, enclosed area within which it would be seen, positioned in line with the rear boundary fencing behind thin landscaped strips, its impact upon its surroundings would be minimal.
7. No details have been provided to describe how the proposed landscaping strips would be planted, or how the shed's exterior would be finished, but these could be required by condition to ensure it would blend satisfactorily with its surroundings. The proposal would not therefore harm the character or appearance of the area and would accord with Policies CP4 and DM14 of the Council's Local Plan¹. These require, amongst other things, development to be appropriate to its surroundings in respect of materials, scale, height, massing, design and appearance.

Highway Safety

8. The proposed shed would be sited close to the highway, located on the junction of an access drive and a small communal parking area. A plan titled 'highway safety plan' has been submitted, which shows a visibility splay would be retained from the parking area looking down the access drive, providing a clear view 11m down the access drive from a 2m set back within the parking area. This visibility splay would be retained if the proposed landscaping is of an appropriate specification and maintained, in terms of height. This could be required by condition.
9. Considering the small number of vehicles which would be using the access drive and parking area, and the very low speeds of vehicles due to the short length and narrow width of the access drive, I do not consider it likely that the proposed shed would increase the risk of danger to users of the highway. The Council have claimed that the proposal would limit the visibility of drivers using the parking area, but the evidence demonstrates this would not be the case.
10. The proposal would not therefore harm highway safety, in accordance with Policies CP4 and DM14 of the Council's Local Plan. These require, amongst other things, development to be appropriate to its surroundings and achieve safe vehicular access.

Conditions

11. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition identifying the

¹ Bearing Fruits 2031, The Swale Borough Local Plan (2017)

approved plans, in the interests of clarity. The Council have not presented any suggested conditions, but I consider it reasonable and necessary to require the approval of landscaping details and external finishes to the side and rear elevations of the proposed shed, to ensure the proposal would not harm the character or appearance of the area. It would also be reasonable and necessary to attach a condition prohibiting the proposed shed from being used other than for purposes incidental to the enjoyment of the dwelling at the appeal site, to protect the living conditions of nearby residents, who may be affected by any alternative use.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan dated 14 May 2020, Elevation Plans at 1:100, Elevation Plans at 1:50, Historic Layout Plan, Proposed Layout Plan, Existing Layout Plan, Highway Safety Plan.
- 3) No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the side and rear elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The building hereby permitted shall not be used at any time other than for purposes incidental to the enjoyment of the dwelling known as 24 St Pauls Court, Lynsted ME9 0RE.