



Appeal Decision

Site Visit made on 11 October 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2021

Appeal Ref: APP/A2280/W/21/3267767

Willington House Ratcliffe Highway, St. Mary Hoo, ROCHESTER, ME3 8RJ

- 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 Craig Spellar against the decision of Medway Council.
 - The application Ref MC/20/2629, dated 20 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is conversion of an existing detached garage into a self-contained residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The third reason for refusal cited on the Council's decision notice relates to the impact of the proposal on the Thames Estuary and Marshes and the Medway Estuary and Marshes Special Protection Areas. The Council has subsequently retracted this refusal reason on the basis that a tariff contribution has been made by the appellant towards strategic mitigation measures. Since this refusal reason has been withdrawn it is no longer a material consideration and so I have not had regard to it in determining this appeal.

Main Issues

4. The main issues are the effect of the proposed development upon: -
 - a) The character and appearance of the area; and
 - b) The living conditions of future occupiers.

Reasons

Character and appearance

5. In the immediate environs of the appeal site there are two-storey detached dwellings set within generous sized plots. The properties are set back from the highway behind gardens or parking forecourts and host large rear or side

- gardens. The development in the area varies in terms of its architectural design and materials.
6. The subdivision of the site would create a dwelling in a smaller plot of a significantly lesser footprint and of overall size when compared to that of the dwellings either side or in the close environs of the site. The dwelling would appear as a constrained dwelling squeezed into its site. Being smaller, it would have the appearance of a diminutive dwelling between those larger houses either side. The proposal would, therefore, not be in keeping with and would be uncharacteristic to the pattern of development in the locality and would appear as a visually discordant dwelling within the streetscene. Consequently, for these reasons the proposed dwelling would be visually harmful.
 7. There is a mature tall hedge along the front boundary that would screen the development, to some extent, in wider public views. However, being vegetation, it could die or be removed, therefore, its longevity cannot be relied upon. As such, this would not provide a justification for the development.
 8. I have been referred to the conversation of buildings within the grounds of Victoria House, a property opposite the appeal site, one to a three-bedroomed dwelling and the other to a self-contained holiday let. I accept that both are set within smaller plots to that of neighbouring properties. However, those developments have an offset positioning to that of the host property, Victoria House, and are within the spacious grounds relating to that property. Whilst I accept the plots are small, those developments do not have the appearance of being squeezed into their sites and are not abutted by large two-storey dwellings either side. The character and appearance of those developments are, therefore, very different to that of the proposed development that is before me. Those developments offer little weight in support of the proposal.
 9. I have also been referred to other existing development in the wider context that relate to this settlement at Ratcliffe Highway. I saw that the development at Coombe Farm Lane involves a row of terraced properties that host long rear gardens. The development at Hoppers Lane/Ratcliffe Highway, whilst built close to one another, appear to be set within larger plots than that proposed. Those examples do not reflect the character of the area within the immediate context of the appeal site. As such, they are not directly comparable to the proposal that is before me. Those examples do not justify the proposed development and I give them little weight.
 10. I acknowledge that there has been a previous planning permission granted to convert the garage into an annexe associated with the host property. The proposed alterations to the building would be the same as those granted as part of that planning permission. A new dwelling that would subdivide the plot is a different proposal to that of the use of the garage as ancillary living accommodation. This proposal can and should be considered on its own merits.
 11. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies BNE1 and BNE25 of the Medway Local Plan 2003 that seek, amongst other matters, development in the countryside to be in keeping with its surroundings.

Living conditions

12. A bedroom is an internal living space in which occupiers would spend a reasonable amount of time. The bedroom would host four rooflights, otherwise there would be no windows that would provide outlook to the surrounding environment from that room. Users of that room would be extremely likely to experience an overwhelming sense of confinement and detachment from the outside world. The lack of meaningful outlook to the surrounding environment would create an unpleasant and uninviting environment in which to spend time which, being a bedroom, one would reasonably expect to be enjoyable. Consequently, the proposal would not create a dwelling of a satisfactory standard.
13. I acknowledge that the bedroom pertaining to the granted annexe would have been served only by four roof lights in the same way as the proposed bedroom before me. However, that planning permission related to an ancillary use to the main dwelling. The proposal before me relates to the permanent occupation as a separate dwelling whereby the bedroom would be the sole bedroom for the occupiers to use on a daily basis. In this context a bedroom without adequate outlook would not provide a satisfactory living environment for permanent occupants.
14. I am directed to the plans relating to the conversion of the outbuilding to a dwelling at Victoria House that illustrate the bedrooms are served only by rooflights. It is contested that this appealed decision is inconsistent with other decisions. Whilst it is suggested that it is common for bedrooms to be served solely by rooflights, this does not necessarily mean that a satisfactory living environment is achieved. Nor does it provide a justification for poor living accommodation as part of this proposed development even if there are examples of bedrooms served only by rooflights in the area.
15. For these reasons, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal would, therefore, conflict with Policy BNE2 of the Medway Local Plan 2003 which seeks, amongst other matters, to ensure that all development secures the protection of amenities of its future occupants.

Other Matters

16. The Council does not have a five-year supply of housing sites. I have been referred to a recent appeal decision (Appeal Ref: APP/A2280/W/19/3242289) relating to the Council's administrative area where the matter of lack of supply was a consideration. Whilst I have not been provided with details relating to the extent of shortfall, the fact that there is a shortfall is not in dispute. For the purposes of this decision, it should be assumed that the shortfall is substantial.
17. This proposal would contribute to housing supply, to which the Framework recognises small sites, such as this, can make an important and relatively quick contribution. I give this significant weight. Set against this is the adverse impact to the character and appearance of the area and to the living conditions of future occupiers that brings the proposal into conflict with the development plan. This also holds significant weight.

18. Even if the shortfall is substantial and the housing land supply position is severe, the adverse impact on the character and appearance of the area and the living conditions of future occupiers, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR