



Appeal Decision

Site visit made on 2 November 2021

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/A2280/W/21/3274189

Land south of 49 Beacon Road, Chatham, Kent ME5 7BP

- 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 Billings Group against the decision of Medway Council.
 - The application Ref MC/20/2891, dated 12 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is erection of two dwellings with associated access, parking and amenity.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's second reason for refusal concerned the impact of the proposal on the Thames Estuary and Marshes Special Protection Area (SPA) and the Medway Estuary and Marshes SPA. The Council's statement indicated that this reason was no longer pursued because the appellant had made a financial contribution towards mitigation measures. Nevertheless, as this matter is now at appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). It appears to me that, in the absence of mitigation measures, this proposal would have had a likely significant effect on one or both of the SPAs.
3. It follows that I would have needed to undertake an appropriate assessment, had I been minded to allow this appeal. In order to do that, I would have sought further information about the interest features and conservation status of the SPAs, the pathways by which the proposal may have had an impact and the nature and effectiveness of any mitigation measures. However, I have decided that the appeal should be dismissed for other reasons that are unrelated to the Habitats Regulations. Consequently, it is not necessary for me to seek additional information or to comment further on this matter.
4. Since planning permission was refused for the appeal scheme, the Council has granted planning permission for one single storey dwelling on the appeal site (the consented scheme). The appellant states that the consented scheme will be implemented in the event that the appeal scheme is not permitted. I consider that the consented scheme represents a fallback position and I have taken it into account accordingly.

Main issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The site comprises a tapering plot of steeply sloping land bounded by Beacon Road and an access track serving garages to the rear of properties in Upper Luton Road. The surroundings are predominantly residential in character. The site is within the urban area of Chatham, where Policy H4 of the Medway Local Plan (MLP) states that the principle of residential development is generally accepted where it involves the reuse of vacant and derelict land, provided that a clear improvement in the local environment will result.
7. The locality is characterised by steeply sloping topography which affords extensive views out over Chatham and wooded ridges beyond. Beacon Road is relatively level. On the northern side, the land rises up steeply. The houses here have garages at street level, with steps leading to front doors at an upper level. On the south side, the houses are set well below street level. On both sides, the houses are set back from the back edge of the footway and the front gardens are steeply sloping. As a result, Beacon Road has an open and expansive feel, notwithstanding its location within the wider urban area.
8. The site is currently unused and overgrown. However, it is not a detractor in the street scene. On the contrary, because the land falls away so steeply, the undeveloped nature of the site allows panoramic views to the south from Beacon Road, contributing to the open and expansive feel of the area.
9. The proposal would introduce a pair of two storey dwellings sited close to the footway. Although the design seeks to introduce some visual interest through variation in materials, this would have only a limited effect in breaking up the mass of the proposed buildings. There would be very little articulation in the elevations. The overall effect would be that of a stark cuboid form, which would jar with its surroundings.
10. This effect would be exacerbated by the restricted nature of the site. The front elevation would be so close to the footway that there would be insufficient space for any effective planting to help integrate the scheme into its surroundings. The building would be very prominent in the street scene and the two storey flank elevations would be dominant features in views along the street.
11. A high retaining wall would be constructed at the back of the site, in order to create a level platform to accommodate the buildings and amenity areas. The building on Plot 1 would extend all the way back to the retaining wall, its plan form being truncated to accommodate the angle between the line of the retaining wall and the front elevation of the house. This would result in a cramped and awkward appearance. This feature would be prominent in views along Beacon Road from the west.
12. The National Design Guide states that well-designed places should enhance their surroundings, have an attractive and distinctive identity and contribute to a coherent pattern of development. Beacon Road currently has a distinctive identity and a coherent pattern of development, derived from the relationship between built form and topography. The proposal would appear as a poorly

designed and poorly sited addition to the townscape. It would undermine the coherence of the street scene and harm the attractive and distinctive character of the area.

13. The consented scheme would also have an impact on the open and expansive character of the area and the coherence of the pattern of development. However, it would be a considerably smaller structure, with less site coverage and one storey rather than two. In my view it would result in significantly less harm to the character and appearance of the area. The existence of a fallback position is therefore not a factor that weighs in favour of the appeal.
14. I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with MLP Policy BNE1 which seeks to ensure that the design of development is appropriate in relation to the character and appearance of the built and natural environment. It would also conflict with Policy H4 in that it would fail to bring about an improvement in the local environment.

Other matters

15. The Council is not able to demonstrate the five year supply of housing sites required by the National Planning Policy Framework (the Framework). The approach to decision making set out in paragraph 11 of the Framework is therefore engaged. For this case, this means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The Framework seeks to support the objective of significantly boosting the supply of homes. It states that planning decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. This includes promoting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained¹. The Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that development that is not well designed should be refused².
17. The consented scheme, which is likely to be built if the appeal is dismissed, would deliver one dwelling. In this context, the net gain attributable to the appeal scheme would be just one further dwelling. This would make a small contribution to meeting the need for homes in Medway. On the other hand, the proposal would be significantly harmful to the objective of creating high quality and beautiful places. It would cause significantly more harm than the consented scheme. It would not represent good design. In my view the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the Framework is not a factor that weighs in support of the appeal.
18. Some of the concerns raised by interested parties are covered above. Other matters raised were pressure on infrastructure, parking, highway safety and

¹ Paragraphs 60, 119 and 120 of the Framework

² Paragraphs 126 and 134 of the Framework

the potential for an overbearing impact on properties in Upper Luton Road. The site is in the urban area where policy supports suitable infill development. The scheme would make provision for off-street parking and the Council has not raised any technical objection to the layout. I saw that visibility at the proposed access would be reasonable and I do not think that it would be harmful to highway safety. The proposed house would be a dominant visual feature as seen from the backs of houses in Upper Luton Road, which are at a lower level. Whilst I have taken that into account in my assessment of the main issue, I do not consider that the proposal would have such an enclosing effect as to be harmful to living conditions.

Conclusion

19. I conclude that the proposal would be harmful to the character and appearance of the area, contrary to MLP Policies BNE1 and H4. I have not identified any considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

D Prentis

Inspector