



Appeal Decision

Site visit made on 17 November 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021.

Appeal Ref: APP/A2280/D/21/3280418

23 The Terrace, Rochester ME1 1XN

- 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 Priyabrata Jena against the decision of Medway Council.
 - The application MC/21/0559, dated 24 February 2021, was refused by notice dated 9 June 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development on the character and appearance of the host dwelling and Conservation Area; and the effect on the amenities of the occupiers of the adjoining residential property, No 22 The Terrace.

Reasons

Character and appearance

3. The appeal property forms part of a terrace of 3 modern town houses of contemporary design located in a backland site between The Terrace to the west, Victoria Street to the south and Eastgate to the north east. There are two further terraces of similar design in close proximity. Immediately adjoining to the south is a large four storey development which has been recently constructed. The property has a short and enclosed rear garden and beyond that are rear projections/elevations of more historic properties fronting Eastgate. These vary between two and three storeys in height. The site lies within the wider area of the Historic Rochester Conservation Area.
4. The proposal is to erect a single storey rear extension which would be 3.1m in width, 6.5m in depth and 2.6m in height. It would occupy the full depth of the rear garden, adjacent to the common boundary with the adjoining property No 22 The Terrace, and nearly half the width. It would be used as a home office and for storage purposes. The appellant argues that technically the extension cannot be perceived as occupying most of the garden as it would be less than 50% of that area. Reducing the extension in size would bring it under permitted development but that would not provide the space required. The

size of the garden would also be comparable to No 20 where permission has recently been granted for a single storey side extension.

5. I saw from my site visit that the rear garden is already of limited size and that this is exacerbated by the enclosed nature of the garden itself and the proximity of tall buildings surrounding it. This already reduces the amenity value of the garden for what is a family sized dwelling. The proposed extension, extending the full depth of the rear garden, would dominate the remaining garden area, reducing its effective value as an amenity space and reducing still further what little light it currently receives as a result of the surrounding development. In that respect I agree with the Council that it would amount to overdevelopment and give rise to a cramped form of development, given that the garden area serves a family dwelling.
6. Whilst I note the reference to an extension at No 20, those details are not before me and the Council considers the scheme is not comparable. In any event I have reached my finding based on the circumstances of this particular site. I also note that a smaller scheme may fall within permitted development and thus may not require a formal planning permission. However, such a proposal would have a reduced impact, however limited, and I therefore do not regard it as a fallback position.
7. With regard to the location of the site within the Conservation Area, I have given special attention to the statutory requirement to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In that respect the wider Conservation Area has a diverse character, including development on limited sized plots or with limited amenity areas. In addition, this part of that area has undergone considerable change in recent years with the insertion of the three terraces of which the appeal property falls part, together with the recent four storey development referred to above. Given the extent of changes I consider that the character and appearance of the Conservation Area would be preserved, notwithstanding my comments above in respect of it being overdevelopment of the site, which raises different issues.

Residential amenity

8. The development would extend along the full length of the rear common boundary with No 22 The Terrace and at a height of 2.6m compared to the height of the existing boundary fence at approximately 1.8m. I do not consider it would unduly impact upon daylight or sunlight in respect of the rear garden of No 22, given its enclosed surroundings and height of adjoining development. However, it would further enclose the small garden of that property to an unacceptable degree, as well as harming outlook, particularly from the rear garden itself. As such, it would adversely affect the amenities of the occupiers as a result.
9. I note that the current occupier of No 22 does not object to the proposal. However, that does not in itself justify a development being acceptable where there would be an unsatisfactory built relationship with adjoining property. I also note the reference to the impact that the adjoining four storey development has had on the appeal property, with windows in close proximity. Similarly however, I have considered the current proposal on its individual merits based on the site relationship with the adjoining property and my finding that it would have an undesirable impact upon the occupiers of No 22.

Conclusion

10. For the reasons set out above, the proposed development would amount to an overdevelopment of the site and would have an adverse impact upon the amenities of the occupiers of the neighbouring property No 22 The Terrace. It would therefore be contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003 in that it would not respect the appearance and visual amenity of the surrounding area and would not protect the amenities of occupiers of nearby residential properties.
11. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR