
Appeal Decision

Site visit made on 1 December 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/A2280/W/21/3274880

18 St. Pauls Close, Rochester, ME2 2QH

- 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 Richard Bakare against the decision of Medway Council.
 - The application Ref MC/20/2180, dated 5 September 2020, was refused by notice dated 20 November 2020.
 - The development proposed is erection of a 2 bed house to side of current end of terrace house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether adequate internal space would be provided for existing and future occupiers.

Reasons

Character and appearance

3. 18 St Pauls Close is an end of terrace dwelling in the midst of a large residential estate. It is proposed to extend it to the side and to incorporate a previous two-storey extension in order to create a new house. Permission has been given for a single storey side extension which has not been built.
4. Near the appeal site the buildings are generally terraced – some of which are in staggered rows. Built development is fairly dense with relief provided by amenity areas and the width of the roads. Space within private gardens at the side of some end of terrace houses, such as 16 St Pauls Close, is not a particular feature of the locality. Furthermore, the developments permitted nearby over the years, including that at 2 Norwich Close, show that these open areas are not sacrosanct.
5. The proposed two-storey addition would adjoin the back edge of footway. It has been designed to be subservient to the existing dwelling with a step back from the front elevation and a lower ridge height. However, coupled with its narrow width, this would look awkward and the extension would appear to be 'squeezed' onto the plot. Rather than providing variety it would disrupt the

unified appearance of the terrace. Similar development in the vicinity indicates that replicating the form and materials of the host building is a more effective way of satisfactorily integrating side extensions into the street scene.

6. Policy H4 of the Medway Local Plan permits infilling within urban areas provided a clear improvement in the local environment would result. By reason of its design that would not be the case here but this policy requirement is out of kilter with the National Planning Policy Framework. In meeting the need for homes by an effective use of land the Framework does not require the immediate area to be upgraded. The conflict with this policy is therefore not a significant consideration in determining the appeal.
7. However, the proposal would harm the character and appearance of the surrounding area and so would conflict with Local Plan Policy BNE1 which sets general principles for built development.

Internal space

8. The proposed dwelling would accord with the nationally described space standards for a 2-bedroom 3 person dwelling. The second bedroom would exceed the floor area of 7.5 sq m required for a single bedroom. There would be less than 2 sq m of built-in storage but the proposed house would be larger than the standard expected. It would therefore be likely to be possible to provide further internal storage space if required.
9. As a result of the proposal, the remaining property at No 18 would fall below the standards. No detailed calculations have been provided to show that this shortfall would be significant. In any event, it would revert to the size of the original house and would have the same internal area as other houses in the terrace. There is also scope to extend at the rear. Furthermore, the Council's policies do not make use of the standards as envisaged by footnote 49 of the Framework. This is not, therefore, a significant matter.
10. As such, internal space for existing and future occupiers would be adequate and there would be no breach of Local Plan Policy BNE2 which aims to secure the amenities of future occupants.

Other material considerations

11. Some recently permitted developments in Medway have lesser widths, garden sizes and amenity areas than the proposal and do not accord with the parking standards. However, there are no objections in any of these respects and so these schemes do not justify the proposal.
12. In the appeal at 14 Lincoln Close for an attached two bedroom dwelling (Ref: APP/A2280/W/18/3219576) the effect on the character and appearance of the area was not considered by the Inspector. Therefore, this decision does not support the appeal. At 41 Downland Walk (Ref: APP/A2280/D/19/3236100) the proposal was for a different form of development.
13. According to the appellant there is a current housing land supply of less than 3.5 years. This is below the five years expected by paragraph 74 of the Framework and is not disputed by the Council. Moreover, the 2020 Housing Delivery Test results show that only 55% of the housing requirement was delivered between 2017 and 2020. Therefore both the past trend and future prospects indicate that the housing supply situation in Medway is serious.

14. The proposal would provide an extra small family home which would be beneficial in general terms. However, there is no specific evidence to support the claim that this size of house is “much needed”. Therefore no particular importance should be attached to the delivery of a two-bedroom unit.

Final Balance

15. The proposal would have an adverse impact on the character and appearance of the area. Existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Whilst the Medway Local Plan dates to 2003, Policy BNE1 reflects the aim in the Framework of achieving well-designed places. As such, significant weight should be given to the conflict with the development plan.
16. Set against this, there has been a notable under-delivery of housing over the last three years which does not appear likely to improve in the short-term. A single house would not greatly increase total supply but any additional provision would be valuable in the current circumstances in Medway. Furthermore, paragraph 69 of the Framework indicates that the development of windfall sites should be supported and great weight given to the benefits of using suitable sites within existing settlements for homes.
17. The support for the proposal in the Framework is countered by the importance of design which is a key aspect of sustainable development. This establishes that development is not well designed should be refused. In the final analysis the opportunity to design an additional dwelling that would be more respectful of the existing terrace is telling. This is because, subject to all other issues being satisfactorily addressed, the same benefits in terms of housing supply could be achieved by a scheme that was more sympathetic to its surroundings.
18. Therefore the adverse impacts of the proposal 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.
19. The appellant has paid the requisite contribution to mitigate the effect on the coastal North Kent Special Protection Areas in line with the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. However, as the appeal is to be dismissed, there is no need for further consideration to be given to whether this would be effective or to the Conservation of Habitats and Species Regulations.

Conclusion

20. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should be dismissed.

David Smith

INSPECTOR