
Appeal Decision

Site visit made on 17 February 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/A2280/W/21/3280501

18 St. Pauls Close, Strood, 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/20/3310, dated 24 December 2020, was refused by notice dated 23 February 2021.
 - The proposed development is the erection of an end of terrace 2 bed house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an end of terrace 2 bed house at 18 St Pauls Close, Strood, Rochester ME2 2QH in accordance with the terms of the application, Ref MC/20/3310, dated 24 December 2020, subject to the conditions in the attached schedule.

Preliminary Matter

2. An application for costs was made by Mr Richard Bakare against the decision of Medway Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development having regard to a) the character of the dwelling and the surrounding area; and b) the living conditions of future occupants of the development in respect of outdoor amenity space.

Reasons

Character and appearance

4. The appeal site relates to a two-storey, end-terrace property with parking to the front. The site is prominently located, being situated on the junction between St Pauls Close and Bangor Road. The surrounding area is predominantly residential in nature.
5. It would be clearly evident from the streetscene that the ridge height of the two-storey side element would continue the ridge line of the existing house, and the front elevation would be flush with the host dwelling. The proposed new house would therefore match other properties in the terrace, maintaining its existing style and character. In my view, the appearance would preserve the architectural qualities of the streetscene, and I agree with the Council that in design terms the proposal would complement and respect the donor property and the wider terrace.

6. I am aware of the extant approval for a single storey flank extension to the appeal dwelling (Council ref: MC/20/0495). This would result in the loss of the side amenity area and close the visual gap towards the end of the terrace at ground floor level. The flank wall would be immediately adjacent to the boundary with Bangor Road.
7. I accept, of course, that the appeal proposal would be larger and create massing at first floor and roof level. Nevertheless, I am conscious that Bangor Road itself presents a wide expanse of open land that would have a major impact on the setting of the development. Within this context, and also having regard to my observations on design, I consider that the scheme would not appreciably erode the spatial quality of the locality or represent a discordant feature in the street scene.
8. I conclude that the proposal would not result in harm to the character and appearance of the host dwelling and the surrounding area. It would accord with to Policies H4 and BNE1 of the Medway Local Plan May 2003, which seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Living conditions

9. In order to provide private amenity space for the original house and the new unit the existing rear garden area would be subdivided. The resultant amenity space for the proposed dwelling, whilst modest in scale, would nonetheless be of a useable shape and representative of the size of some of the other outdoor rear gardens in the vicinity.
10. I am satisfied that the proposal would provide acceptable living conditions of future occupants of the development in respect of outdoor amenity space. It would be meet Policy BNE2 of the Medway Local Plan May 2003, which requires new development to protect the amenities of residents. It would also be consistent with the advice in the National Planning Policy Framework, which seeks to secure safe and healthy living conditions.

Other Matter

11. The Council has stated that a unilateral undertaking has been submitted to ensure payment of the tariff in respect of the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity.
13. In addition to the standard implementation condition, the approved plans are listed for certainty. Additionally materials are required to match the existing building in order to ensure that the external appearance of the works are satisfactory.
14. A condition requiring the submission of a construction management plan would control site operation both in the interests of the living conditions of adjacent

occupants and highway safety. Conditions relating to the provision of car parking and an electric vehicle charging point are necessary to ensure provision of such elements on the site.

15. Given the close relationship between the existing and proposed plots, removing Classes A and E and change of use permitted development rights is both reasonable and necessary in serving the interests of protecting the living conditions of neighbouring occupiers and in safeguarding the character of the area.

Conclusion

16. Based on my reasoning above, the appeal succeeds.

C Hall

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: TAB/06/45, TAB/06/46A, TAB/06/66A, TAB/06/70, TAB/06/71, TAB/06/72, TAB/06/73
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) wheel washing facilities;
 - f) measures to control the emission of noise, dust and dirt during construction;
 - g) recycling/disposing of waste from demolition and construction works;
 - h) delivery, demolition and construction working hours; and
 - i) site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) The development shall not be occupied until details of the proposed vehicle parking spaces have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation of the units and retained thereafter.
- 6) No development shall take place above ground floor slab level until details of the provision of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.
- 7) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the LPA.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.