
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/21/3280260

31 Gerrard Avenue, Rochester ME1 2RN

- 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 Satnam Singh against the decision of Medway Council.
 - The application Ref MC/21/0694, dated 11 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is for a new 3 bedroom unit on vacant garden adjacent to existing house. Two velux roof windows towards the street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development in respect of:
 - a) the character and appearance of the host dwelling and the surrounding area;
 - b) the living conditions of existing and future occupants of the host dwelling and the new property having regard to external amenity space; and
 - c) the living conditions of occupants of 29 Gerrard Avenue in relation to privacy.

Reasons

Character and appearance

3. The appeal site consists of a two-storey, end-terrace house occupying a corner plot on the junction between Gerrard Avenue and Grafton Avenue. The surrounding area is predominantly residential in nature.
4. The proposal is for the construction of an attached dwelling. Whilst the scheme would have a similar width to the host building and continue the eaves line, the development would have a greater depth and height than the other properties within the terrace.
5. I consider that the proposal would appear disjointed and fail to visually connect with the proportions of the donor property and the rest of the terrace. The front and rear walls and the ridge line are all offset from the adjoining built form, which to my mind would be discordant and incongruous within the context of the terrace and local streetscene.

6. At the rear the dormer window would lack subservience to the new ridge line and would dominate the roof of the property. Moreover, the fenestration to the rear elevation is misaligned, with the openings offset in relation to those in the floors above and below. All of which would be clearly visible from the private amenity spaces of surrounding houses, lacking architectural subtlety and resulting in a jarring appearance to the detriment of visual amenity.
7. The appellant states that the development could be amended to a lower ridge height, however I have no plans before me to demonstrate this. Moreover, I am not persuaded that such an alteration would resolve the concerns I have reasoned previously in relation to the greater depth. I am also aware that the nearest residence on Grafton Avenue is taller than the appeal proposal, however this house is of a significantly different character and does not bear comparison to the development before me.
8. I conclude that the scheme would result in harm to the character and appearance of the host dwelling and the surrounding area. It would be contrary to Policies H4 and BNE1 of the Medway Local Plan May 2003, which seeks to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Amenity space

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 extent of the proposed areas would be very limited and out of character with the surrounds.
10. Moreover, the need to provide boundary treatments to demarcate the plots, and their close proximity to the side and rear elevations, would mean the rear garden areas of the existing and proposed development would experience an adverse sense of enclosure. This would result in an oppressive environment and outlook for existing and future occupants, and have a significantly limiting effect on the usability and function of the garden areas for family occupation.
11. I am of the view that the proposal would be deleterious to the living conditions of existing and future occupants of the host dwelling and the new property having regard to external amenity space. It would be contrary to Policy BNE1 of the Medway Local Plan May 2003, which requires new development to provide practical areas of open space. It would also be inconsistent with the advice in the National Planning Policy Framework, which seeks to secure safe and healthy living conditions.

Privacy

12. The proposal would result in the formation of new windows to the rear at first floor, and within the dormer at roof level. These would afford a view over the rear garden areas of the adjoining properties, in particular 29 Gerrard Avenue immediately to the east.
13. To my mind, overlooking from new windows within the building towards 29 Gerrard Avenue would not be materially harmful given the current extent of mutual overlooking found between the adjacent houses. I am of the view that the proposal would not aggravate the present situation, and as such there would be no demonstrable loss of privacy.

14. I consider that the proposal would not be detrimental to the living conditions of the occupants of 29 Gerrard Avenue in respect of privacy. It would accord with to Policies H4 and BNE2 of the Medway Local Plan May 2003, which require 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.

Conclusion

15. Having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR