



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: 18th March 2022

Appeal Ref: APP/A2280/W/21/3284117

The Annexe, 4 Everest Lane, Rochester ME2 3XA

- 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 Godswill Enyosi against the decision of Medway Council.
 - The application Ref MC/21/2251, dated 3 August 2021, was refused by notice dated 30 September 2021.
 - The development proposed is for the conversion of the existing annexe to a separate 2-bedroom dwelling with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing annexe to a separate 2-bedroom dwelling with associated parking at The Annexe, 4 Everest Lane, Rochester ME2 3XA in accordance with the terms of the application, ref: MC/21/2251, dated 3 August 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description from the appeal form, rather than the original planning application form, as it better describes the proposal.
3. My attention has been drawn to a previous appeal on the site (reference APP/A2280/W/20/3257945). I shall have regard to this background when considering the merits of this proposal.

Main Issue

4. The main issues are the effect of the development on a) the character of the building and the surrounding area; and b) the living conditions of future occupants of the proposal with regard to the layout of internal accommodation and privacy and the existing occupants of the main house in relation to noise, outlook and privacy.

Reasons

Character and appearance

5. The Inspector to the previous appeal was clear that the subdivision of the plot and the use of the building as a separate dwelling would not cause harm to the established character or appearance of the street scene. The proposed plot size, albeit with a relatively square and squat garden, would not be wholly out of keeping with the prevailing pattern of development in the area.

6. He noted a diverse range of roof forms, brick types, render colours and architectural styles throughout the locality, with no distinct style or form prevalent. He reasoned that whilst the appeal development has timber weatherboarding at first floor level, the only such property to have this style and material in Everest Lane, this would not be visually discordant with the area and would not represent a poor design solution to the front elevation of the building.
7. I have no reason to disagree with these views. To my mind, although the new house would be smaller than other properties in the neighbourhood, there is a wide variety of dwelling and plot sizes evident. The unit would be for residential purposes which would respect the predominant local use and the character of the vicinity.
8. I consider that the appeal development would not cause harm to the character or appearance of the area. The proposal would therefore comply with policy BNE1 of the Local Plan, which seeks development to be of a design appropriate to the character, appearance and functioning of the built environment. 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. I note that in determining the previous appeal, my colleague judged that the proposal would provide acceptable internal accommodation for future occupants. I am aware that the national technical housing standards (March 2015) state that a 2-storey dwelling providing 2 bedrooms for 3 people should have a minimum gross internal floor area of 70 square metres. Although the Council calculate that the appeal development only provides 68 square metres, the difference is marginal and would not, in itself, be such a deficiency as to cause cramped or uncomfortable living conditions. I saw at my site visit that the internal rooms of a useable size and shape, and see no reason to disagree with the previous Inspector's findings in this regard.
10. The plans indicate that the glazed doors in the flank wall of the main dwelling at 4 Everest Lane are to be relocated to face the rear, whilst the existing opening is to be bricked up. I consider that this would resolve the previous objections in relation to the privacy of existing and future occupants.
11. The lounge to the main dwelling would retain a dual aspect as a result of the proposal. The rear-facing doors would provide access to the patio area, which is of an adequate depth to allow for a acceptable outlook.
12. The proposed ground floor plan indicates new acoustic glazing is to be installed to the existing window opening to mitigate the effects of noise from parking manoeuvres and general activity associated with the new unit. Whilst I acknowledge that there may still be some disturbance as a result, I consider that this would not be sufficiently harmful as to warrant dismissal of the appeal on this ground.
13. I therefore conclude that the proposal would neither harm the living conditions of future occupants of the proposal with regard to the layout of internal accommodation and privacy, nor would it be detrimental to the existing occupants of the main house in relation to noise, outlook and privacy. It would accord with to 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

14. I have been provided with confirmation that the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy tariff has been paid by the appellant.

Conditions

15. 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. In addition to the standard implementation condition, the approved plans are listed for certainty. Additionally materials are required to match the existing buildings in order to ensure that the external appearance of the works are satisfactory.
16. Conditions relating to the provision of refuse and recycling storage, car parking, boundary treatments and energy efficiency are necessary to ensure provision of such elements on the site.
17. 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

18. Based on my reasoning above, the appeal is allowed.

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: site location plan, 52109-P-02, 52109-P-20, 52109-P-21, 52109-P-40
- 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) The development shall not be occupied until details of the proposed refuse and recycling storage facilities 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.
- 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) The dwelling shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.
- 7) The development herein approved shall incorporate measures to address energy efficiency and climate change. The development shall not be occupied until a Climate Change and Energy Efficiency Statement prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.
- 8) 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.
- 9) 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.