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## Appeal Decision

Site visit made on 10 June 2022

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>TH</sup> July 2022**

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**Appeal Ref: APP/A2280/W/21/3285865**  
**93 Harptree Drive, Chatham ME50TF**

- 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 Shaun Haines against the decision of Medway Council.
  - The application Ref MC/21/1881, dated 22 June 2021, was refused by notice dated 1 September 2021.
  - The proposed development is for new dwelling on land to the side of 93 Harptree Drive.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the Appellant's original application form and slightly differs from that used on the Council's decision notice. In Part E of the appeal form it is stated that the description of development is the same as that used by the Council and as such I have used the Council's description for clarity and consistency.

### Main Issues

3. The main issues are;
  - a) the impact of the proposals upon the character and appearance of the area,
  - b) the associated impact upon highway safety due to restricted parking and
  - c) the potential impact of the proposal upon residential amenity and the protected tree to the rear of the plot.

### Reasons

4. The appeal property is a three storey end of terrace house within a row of nine similar Modernist type homes that extend towards the corner of Harptree Drive as it turns towards Snodhurst Drive. The unusual design of a 'butterfly' roof results in the buildings being relatively unique within the streetscene and this roof form is echoed upon the flanking adjacent terrace that turns the corner at this end of Harptree Drive. Both of these terraces are highly visible when moving along Harptree Drive in either direction due to their height, extent and appearance.

5. The appeal property appears to have undergone some renovation and contains an existing single storey extension to its side elevation. It also contains new panelling that reflects the original timber horizontal cladding of the rest of the terrace, interspersed with brick piers and large windows that dominate the frontage of the buildings here. The appeal property has also converted a former garage to living room on the ground floor of the block.
6. The appeal site is located at the corner of the two terraces and as such sits upon a triangular corner plot that extends well into the site to the rear where a change in level and a mature Ash tree mark the rear boundary.
7. When seen from the direction of Snodhurst Drive the appeal property is clearly visible standing on higher ground and the rows of houses appear rather dominant from this approach. This is compounded by the continuation of the terrace by the adjacent block of six houses that, despite their change of brick colour, still present a rather dominant appearance to the streetscene here.
8. The only relief from these tall blocks of dwellings comes from the remaining gap between the two terraces and the associated glimpses of landscape, sky and the mature Ash tree to the rear of the appeal property. I consider that this gap is therefore important in protecting some sense of openness here and contributes considerably to the character and appearance of the area as a whole.
9. The proposal before me seeks permission to extend the row of nine houses to form a tenth dwelling on the end of number 93, taking in and extending the footprint of the existing single storey extension and building above this to somewhere near the full height of the existing terrace. The proposed dwelling would be set back from the frontage and alter the roof design somewhat so as to echo, but not copy, the Modernist aesthetic of the rest of the row.
10. Fenestration patterns would also be somewhat different with extensive use of brick so as to contrast between the old and the new elements of the terraces. The proposal intends a single parking space to the frontage with ground floor living and kitchen area and four bedrooms to the upper floors.

*Effect of the proposal upon the character and appearance of the area.*

11. As discussed above, the two flanking rows of three storey houses present a rather dominant façade marking the near 90 degree bend in Harptree Drive. The only perceived relief of this dominance is the remaining gap between the two rows of terraces through which a glimpse of the Ash tree is visible. I consider that this break within the built form is important because of the relief it gives to what would otherwise be a relatively harsh and oppressive streetscene.
12. Through the infilling of much of this gap therefore, this proposal would further enclose this space and would result in a noticeably more oppressive environment. As such the streetscene would be harmed through the infilling of this space and the significant reduction in any glimpses beyond these two terrace blocks.
13. Furthermore, the proposed elevational treatment would introduce an even harsher three storey brick and timber elevation whose only relief to the front is obtained through modest slot windows that introduce a very harsh ratio between windows and walling. To the side elevation, presumably so as to

reduce any impact upon the living conditions of neighbours, the upper storey's would be absent of any fenestration and would therefore enclose the site to an even greater degree.

14. In light of this, although the principle of a new infill property is supported by both parties, the harmful impact of this proposal upon both the streetscene and the overall character and appearance of the area would outweigh any benefit of obtaining another house within the area. As such I consider that the proposal would represent an over development of this plot that would be contrary to Policy BNE1 of the Medway Local Plan 2003 as well as guidance provided within the National Planning Policy Framework (The Framework) 2021.

*Effect of the proposal upon highway safety*

15. Due to the constrained corner plot associated with the appeal site, the proposal would result in a parking space that would be unable to meet the Council's parking standards without causing a potential obstruction to that of its neighbours. Although the original property intends to reinstate its garage, I concur with the Council in their belief that there would be no guarantee of this garage being used on a day to day basis.
16. As such I consider that there would be an impact of this proposal upon the practicality and therefore the safety of parking vehicles on this plot through the likelihood of obstruction being caused on site and through associated overflow parking upon the public highway. In light of this I consider it likely that the proposal would result in greater conflict between pedestrians and vehicles within an area that I note can become very congested with parked cars.
17. As such the proposal would fail to meet the requirements within Local Plan Policies T1, T2 and T13 of the Medway Local Plan 2013 that could not be otherwise addressed through condition.

*Effect of the proposal upon the living conditions of residents and the Category B Ash tree.*

18. Immediately to the rear of the existing property is a mature protected<sup>1</sup> Ash tree that has been given a Category B status in the Appellant's Arboricultural report. This means that the existing tree is of a good quality that is considered to have significant longevity remaining. Further to this I consider that the Ash tree has a very positive impact upon the character and appearance of the streetscene not least through its contribution to softening what could be a very harsh and imposing corner of Harptree Drive.
19. The proposal would considerably reduce the amount of rear garden space available to the existing property as well as allowing the proposed new dwelling to have a rather contrived rear garden that is triangular in shape. Although this in itself would not necessarily cause concern, the depth of the garden would also mean that the tree would be especially dominant, especially due to the majority of windows being proposed to face towards the tree itself.
20. I therefore consider that the proximity to the tree to these habitable room windows and to the building itself would result in great pressure being brought by future residents forcing either further trimming or potential pressure to fell

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<sup>1</sup> Tree Preservation Order Land at 93 Harptree Drive, Chatham, Kent dated 20 February 1998.

this important specimen tree which would cause great harm to the character of the area if it was to be lost.

21. In light of this I consider it highly likely that, through this proposal, the protected tree would be seen to cause nuisance through leaf or branch drop or overshadowing and would likely see pressure to fell in the future. I therefore conclude that the proximity of a new dwelling being so close would not result in a sustainable balance between the needs of the protected tree and the needs of future occupiers of a new dwelling here. As such I consider that the proposal before me would be contrary to Policy BNE43 of the Medway Local Plan 2003.

### **Conclusion**

22. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

*A Graham*

INSPECTOR