



Appeal Decision

Site visit made on 7 July 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/A2280/D/22/3295949

28 Darnley Road, Strood, Rochester ME2 2HA

- 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 John Medhurst against the decision of Medway Council.
 - The application Ref: MC/21/2633 dated 8 September 2021, was refused by notice dated 11 January 2022.
 - The development proposed is removal of existing conservatory and construction of a garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the existing property and of the local area, and
 - b) the effect of the proposal on the living conditions of the existing residents.

Reasons

Issue a) Character and Appearance

3. The appeal property is a two storey, mid terrace dwelling, set back from Darnley Road with an open grassed area between the properties and the road, within a predominantly residential area. There is access from the rear via Dart Close. There are a variety of extensions to the individual properties and a range of outbuildings and garages in the rear gardens, with access off Dart Close.
4. The proposal would demolish the existing conservatory attached to the rear of the house and would construct a longer outbuilding towards the rear of the garden under a pitched roof.
5. I have taken into account the proposed removal of the existing conservatory but the proposed outbuilding, particularly given its length, would occupy a very significant area of the rear garden. There is disagreement between the Appellant and the Council over the proportion of the garden which would be taken up by the outbuilding but there is no detailed information before me in this regard. Nonetheless, it would cover a very significant area of the rear

garden and would appear out of scale and over dominant in terms of its size in relation to the modest scale of the existing house and the plot size.

6. I have taken into account the varying sizes of rear extensions, outbuildings and garages within the immediate surrounding area, but most of the detached outbuildings and garages are significantly smaller than the scale and proportions of the proposed outbuilding before me and appear to be subordinate to the main house in terms of size and scale. I have taken particular note of the rear garages a few plots to the east, but these plots would appear to be larger, in width and length, compared with the size of the plot of the appeal property.
7. I therefore conclude that the proposed size of the outbuilding would harm the character and appearance of the existing property and of the local area. This would conflict with Policy BNE1 of the Medway Local Plan 2003 and the National Planning Policy Framework (Framework), and in particular Section 12, both of which seek a high quality of design which respects the local context.

Issue b) Living Conditions

8. The Council's has also raised as an objection in the decision notice that the proposal would not provide sufficient amenity space to serve the amenity needs of the dwelling. Although I agree that the proposed outbuilding would take up a significant part of the rear garden, the way in which residents wish to use their garden areas is largely a matter of personal choice. I am not therefore persuaded that there would be reason to refuse planning permission for the proposal under this issue.
9. I am therefore satisfied that there would not be an unacceptable impact on the amenity needs of the occupiers of the existing dwelling. There would be no conflict with Policy BNE2 of the Medway Local Plan and paragraph 130f) of the Framework, which seek to ensure the protection of the amenities of existing and future occupants.

Planning Balance and Conclusion

10. I have found that the proposal would not harm the living conditions of the existing residents in respect of amenity space. However, this does not outweigh the conclusion I have reached under my first issue in respect of harm to the character and appearance of the existing building and the local area.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR