



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: 11TH August 2022

Appeal Ref: APP/A2280/W/21/3283564

266 Hempstead Road, Hempstead, Gillingham ME7 3QH

- 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 Seymour Rogers Associates against the decision of Medway Council.
 - The application Ref: MC/21/0692 dated 10 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed is proposed alterations of an existing bungalow to form new access from the Paddock and construction of a 4 bed/ 5 person detached house on the front garden; all with associated vehicular parking areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. There was one reason for refusal but with more than one issue and policies therein. From my site visit and all the representations before me, I agree with the Appellant that there are two main issues in this appeal:
 - a) The effect of the proposal on the character and appearance of the local area, and
 - b) The effect of the proposal on the living conditions of the adjoining neighbours at No. 264 Hempstead Road.

Reasons

Issue a) Character and Appearance

3. The appeal property is a semi-detached chalet bungalow on the west side of Hempstead Road and within a predominantly residential area with a broad mix of houses, chalet bungalows and bungalows. The property and its semi-detached neighbour are set a considerable way back from the Hempstead Road frontage. This stands out in contrast to the general pattern of development with most of the dwellings sited closer to the road frontage with modest front gardens providing a mix of off-road parking and planting.
4. The proposal would seek to introduce a chalet bungalow into the front garden of the appeal property, broadly in line with the adjoining property at No 268, with parking in front and garden to the rear. The existing property would be re-

- oriented to take its access from The Paddocks to the rear, a cul de sac of newer detached properties.
5. There is no issue with the principle of the proposed development, given the location of the site within the development area and surrounded by residential properties. I am also satisfied that the proposed new house would be appropriate in scale and design to be readily assimilated into the variety of adjoining properties.
 6. I agree with the Appellant that the existing pair of semi-detached properties do not follow the existing pattern of development, being set so far back from the Hempstead Road frontage. However, I consider that the proposal to introduce one house in front of No 266, towards the front and closer to the road frontage, leaving the other half of the semi-detached pair set back behind a long and narrow front garden, would exacerbate the visual discordance in the street scene. The remaining property set back, in isolation, as well as the relationship between the existing and new property would be visually incongruous in the street scene.
 7. I therefore consider that the proposed development would harm the street scene and the character and appearance of the local area. This would conflict with Policy BNE1 of the Medway Local Plan and the National Planning Policy Framework (Framework), and in particular Section 12, both of which, amongst other things seek a high quality of design which respects the local context.

Issue b) Living Conditions

8. The proposal would introduce a new dwelling into the existing front garden. Whilst I appreciate that the occupiers of the adjoining semi-detached property would be fully aware of the new dwelling, I consider that the siting of the proposed new dwelling would be sufficiently far from the existing and to the side, so that it would not have an oppressive effect on the outlook for these neighbours, or unacceptable impact on overlooking and loss of privacy.
9. The existing rear garden to the appeal property would become its front garden with parking off The Paddocks, but I consider that there would be adequate size to the garden area and distance from the neighbouring property, that it would not detract from the neighbours' enjoyment of their rear garden. The existing boundary treatments between the two properties would be altered and increased in height, but I do not consider that this would lead to a tunnelling effect on the outlook from the front of the neighbouring property, particularly given the width of the frontage close to the dwelling. Furthermore, were there no other matters of concern, and planning permission were to be granted, the details of the boundary treatment could be reserved out by condition.
10. I am therefore satisfied that the proposal would not materially harm the living conditions of the neighbours at No 264, with particular regard to loss of outlook, overlooking and loss of privacy. There would be no conflict with Policy BNE2 of the Medway Local Plan and the Framework and in particular paragraph 130 f, both of which seek to protect the amenities of existing and future occupiers.
11. The Council's reason for refusal was specific to the harm to the neighbouring property at No 264, but I have also had regard to the other surrounding neighbours, and in particular the neighbours to the immediate south at No 268.

The proposed dwelling would line up approximately with the siting of that property and taking into account the open gap to the side of the property at No 268, I am satisfied that there would be no unacceptable impact on their living conditions, particularly in terms of outlook, light, overlooking and loss of privacy.

Planning Balance and Conclusion

12. The Council has acknowledged that it is unable to demonstrate a five year supply of deliverable housing land. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.
13. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. In the context of the development plan I have found that the proposed development would be contrary to Policy BNE1 of the Medway Local Plan in respect of seeking a high quality of design which respects the local context. I have noted the date of the Medway Plan but for this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework and I attach substantial weight to it.
14. Paragraph 60 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 69 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this instance, the proposal would contribute one additional unit.
15. When judged against some of the core planning principles the proposal would perform well in that it would be in a predominantly residential area where access to facilities and services is likely to be greatest. In terms of its component dimensions there would be a modest social and economic benefit in providing an additional unit.
16. I have found that the proposal would not cause harm to the living conditions of the existing neighbours, but this would not outweigh the harm I have concluded to the character and appearance of the local area. Respecting and enhancing the local area is a key aspect of sustainable development, as set out under the development plan and the Framework. The harm I have concluded would be significant and as a result the social and environmental roles of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

17. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR