
Appeal Decision

Site visit made on 17 August 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/V2255/W/21/3284390

2 Larkfield Avenue, Sittingbourne, ME10 2DP

- 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 Ms Katie Fryer against the decision of Swale Borough Council.
 - The application Ref 21/501324/FULL, dated 10 March 2021, was refused by notice dated 25 August 2021.
 - The development proposed is erection of a three bed detached dwelling with associated amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed side garden on the character and appearance of the area and whether living conditions for future occupiers would be satisfactory with particular reference to the provision of outdoor space.

Reasons

Character and appearance

3. The appeal site is on the corner of Larkfield Avenue and Dean Road within an extensive residential estate. It is proposed to build an additional dwelling to the side of the existing semi-detached house. As part of the proposal an enclosed garden area would be formed to the side of the proposed property.
4. This would be set back from the pavement along Dean Road by some 2m but would nevertheless project in front of the line of buildings along both roads. The garden would be surrounded by a 1.6m high close boarded fence at the front and a 1.6m high hedge along the return boundary.
5. Although there is some hedging and low means of enclosure, the surrounding area is largely characterised by open frontages with generous space on many of the corners. The proposed area would jut out and would significantly disrupt this positive aspect of the locality. In particular, the position and harsh appearance of the proposed fencing, forward of the proposed dwelling, would be odd and incongruous in this setting. Overall the visual impact would be a negative one.
6. Whilst this area is already the side garden to the house at No 2, it is open and unenclosed and so contributes to the sense of spaciousness. The appellant is willing to accept a condition requiring further details to be submitted.

However, given the need to provide privacy, it is difficult to see how this could overcome the objection identified without reducing the size of the garden.

7. The built form would fit in well because of its siting and design. However, due to the garden's location, the proposal as a whole would harm the character and appearance of the area. It would be contrary to the general development criteria in Policy DM14 of the Swale Borough Local Plan as it would not reflect the positive characteristics and features of the site and locality. As one aspect of the proposal would not be appropriate to its surroundings, there would also be conflict with Policy CP4 which requires good design.

Future living conditions

8. The proposed garden would have dimensions of around 11.8m by 4.5m. As such, it would exceed the Council's 'rule of thumb' of a depth of 10m in one direction. Moreover, there is no local policy basis against which to judge the size of the external area and none of the development plan policies cited refer to this matter. The proposed hedging and fencing would ensure privacy.
9. However, other than the bungalow at 1 Larkfield Avenue on the opposite corner, the garden would be much smaller than those of other properties nearby. The private space proposed would allow a modest area for sitting out and clothes drying but it would not be generous for a family and the positioning near to the road would not be especially attractive. The National Planning Policy Framework indicates that developments should create places with a high standard of amenity for future users. When judged against this yardstick, the provision of private external space would be inadequate. Living conditions for future occupiers would therefore be unsatisfactory.

Other Considerations

10. The Swale settlement strategy, as set out in Local Plan Policy ST3, establishes that Sittingbourne will provide the primary urban focus for growth. According to Policy CP3, development proposals will be steered to location identified in Policy ST3. This includes windfall sites, except where the character of the site, its local context or environmental value determines otherwise. Whilst there are objections in these respects, there is nevertheless broad policy acceptance of a new single dwelling within the town.
11. Moreover, the Framework points out that small sites can make an important contribution to the housing requirement of an area. Great weight should be given to the benefits of using suitable sites within existing settlements for homes. As with the development plan policies, this support is qualified by the need for the sites to be "suitable". Nevertheless, the proposed dwelling would be in line with these policies and this is in its favour.
12. The Council is unable to demonstrate a five year supply of specific deliverable housing sites. When judged against its housing requirement, it has an equivalence of 4.6 years supply. This shortfall amounts to about 400 additional dwellings per annum. Therefore a large number of homes are not provided for and this gives significant weight to the delivery of even one extra unit.
13. A local resident has raised further concerns including parking, construction disruption, property values, impact on vision and sunlight and overcrowding but none of these amount to objections to the scheme.

Final Balance

14. The proposal would have an adverse impact on the character and appearance of the area and because of the limited provision of private outdoor space, living conditions for future occupiers would be unsatisfactory. Significant weight should be given to the consequent conflict with the development plan.
15. Set against this, the proposed dwelling would be within the built-up area of Sittingbourne and the Framework indicates that windfall sites should be supported. There is a deficit in the supply of housing sites in Swale which the proposal would go some way towards addressing. However, the support for the proposal in the Framework is countered by the importance it attaches to design which is a key aspect of sustainable development. Furthermore, as part of achieving well-designed places, developments should promote health and well-being. The proposal falls down in both these respects.
16. Therefore the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.
17. The appellant has paid the requisite contribution to mitigate the effect on the Medway Estuary and Marshes Special Protection Areas in line with the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. However, as the appeal is to be dismissed, there is no need for further consideration to be given to whether this would be effective or to the Conservation of Habitats and Species Regulations.

Conclusion

18. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR