
Appeal Decision

Site visit made on 17 November 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/K2230/D/22/3306574

1 Hudson Close, Gravesend DA12 5FB

- 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 Ade Oyelola against the decision of Gravesham Borough Council.
 - The application Ref 20220370, dated 1 April 2022, was refused by notice dated 11 July 2022.
 - The proposed development is a garden office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the property and the local area; and
 - the provision of external amenity space.

Reasons

Character and appearance

3. The appeal site relates to a two-storey, end-terrace house located on a corner plot at the junction between Hudson Close and Christian Fields Avenue. The surrounding area is predominantly residential in nature.
4. The proposed outbuilding would appear large in the context of the relatively diminutive extent of the rear garden. The upper parts of the walls and roof would be clearly visible from Christian Fields Avenue over the boundary wall. The cumulative impact of the size and height would be somewhat dominant given the modest size of the curtilage and the proximity to the public domain.
5. I am aware that the dwelling's permitted development rights have been removed. However, even so I have not been provided with justification as to why the height of the shed should exceed 2.5m. I also observed other outbuildings within rear gardens in the area, although these appeared to be smaller than that proposed by this appeal, and further from the public domain where their impact diminishes. In any event, such elements within the curtilages of other houses would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.

6. I conclude that the scheme would result in harm to the character and appearance of the property and the local area. It would contravene Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS), which seeks to secure new development of acceptable scale and appearance.

External amenity space

7. The Council's Residential Layout Guidelines (RLG) state that the garden space for a three-bedroom property should have a minimum area of 60 square metres and depth of 10m. The garden, post-development, would be below the recommendations of the RLG.
8. I appreciate that the scheme would facilitate homeworking to meet the appellant's domestic situation. However, I have not been provided with evidence to justify the footprint of the office. In any event, to my mind the scale of the building as currently shown would have a limiting effect on the usability and function of the garden for family occupation.
9. The appellant states that the building could be pushed back closer to the rear boundary to increase the extent of the remaining garden area. Nonetheless, I have not been provided with a plan to show this, and even it were facilitated I am not convinced that it would mitigate the harm I have outlined previously.
10. I recognise that there would be no detrimental effects on the living conditions of the occupants of neighbouring residences in terms of outlook and privacy, and that the proposal would contain no primary living accommodation. Still these matters do not outweigh the concerns I have identified.
11. I conclude that the scheme would fail to secure the provision of external amenity space. It would be contrary to Policy CS19 of the CS and the RLG, which require appropriate levels of private amenity space.

Conclusion

12. Having regard to my reasoning and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR