
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: 12 December 2022

Appeal Ref: APP/A2280/W/21/3284496

The Chimes, Brook Lane, Lower Stoke, Rochester ME3 9SZ

- 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 Tara McGilloway against the decision of Medway Council.
 - The application Ref MC/21/1371, dated 11 May 2021, was refused by notice dated 7 July 2021.
 - The proposed development is for an extension to the existing garage to form a 3-bedroom dwelling with associated garden and parking to the front.
-

Decision

1. I dismiss the appeal.

Preliminary Matter

2. I have used the Council's description as contained in the decision notice as it better reflects the development proposed.

Main Issues

3. The main issues are the effect of the development on a) the character of the surrounding area; and b) the living conditions of future occupants of the development, particularly in respect of external amenity space.

Reasons

Character and appearance

4. The appeal site comprises a detached garage with attic accommodation located on Brook Lane, a narrow private thoroughfare. The building is sited to the front and side of the main house known as The Chimes. Brook Lane provides access to a small number of other dwellings and a farmyard.
 5. I acknowledge that the site is situated forward of the host property, however it is to the side and as such would not strictly represent tandem development. The detached garage is relatively large and has an established presence in the street scene. To my mind, the principle of extending and converting the building to an independent unit of accommodation would not be materially harmful to the setting; the land has a limited effect on the public domain, and is well screened by tall trees and mature vegetation on the approach to the site from Grain Road. A garden to the side of the new dwelling would similarly not be deleterious to the character of the area, provided that appropriate boundary treatment is formed to screen the amenity space.
-

6. The proposed extension would visually connect with the overall appearance of the existing structure without dominating it, and also respond to its design characteristics. It would be appropriately sited in relation to the building and unobtrusive when seen in combination with its overall form and scale.
7. I conclude that the scheme would not result in harm to the character and appearance of the surrounding area. It would meet Policies BNE1, H4 and H9 of the Medway Local Plan May 2003 (LP), which seek to secure new development of acceptable scale and appearance. It would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

8. The floor plans show a three-bedroom property, which would likely be aimed at family occupation. The Council states that internal areas would meet Technical Housing Standards and all habitable rooms would be provided with suitable outlook; I have no reason to disagree.
9. However, the side garden is small and would have limited separation between the new dwelling and the boundaries of the site; it has the hallmark of being an afterthought rather than carefully designed and well-integrated amenity area. The need to provide boundary treatments for privacy, together with the proximity of the parking spaces, would mean the external space experiences an adverse sense of enclosure and a poor outlook adjacent to stationary vehicles. This would result in an oppressive environment for future occupants and have a significantly limiting effect on the usability and function of the garden for family occupation.
10. I note the other developments provided in the appellant's grounds of appeal. However, in all of them the circumstances appear to me to be wholly different to this appeal case; amongst other things Calden, Main Road and Butt Haw Close are for extensions to properties and Gamelan Crescent is a certificate of lawfulness. In any event, in my view such matters would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
11. I conclude that the proposal would result in harm to the living conditions of future occupants of the development, particularly in respect of external amenity space. The scheme would contravene policies Policies BNE1 and H9 of the LP, which require new development to protect residential amenity. The proposal is also inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Conclusion

12. Based on the above and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR