
Appeal Decision

Site visit made on 10 January 2023

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/A2280/W/22/3296879

Land between Chatham Hill and Mount Pleasant, Chatham, Kent

- 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 Allyjaun against the decision of Medway Council.
 - The application Ref MC/21/0537, dated 22 February 2021, was refused by notice dated 23 March 2022.
 - The development proposed is described as the construction of 4, 1 bedroom apartments over three storeys.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on character and appearance of the surrounding area; and
 - the effect of the proposed development on highway safety and the living conditions of the occupiers of neighbouring dwellings in relation to car parking.

Reasons

Character and Appearance

3. The appeal site is a piece of land located on a steep slope between the main road into Chatham, Chatham Hill and a smaller residential road, Mount Pleasant. It is also adjacent to Luton Arches railway bridge. It is currently occupied by a number of trees and overgrown shrubs with an area of concrete hardstanding at the top of the slope adjacent to Mount Pleasant. Whilst overgrown, the appeal site forms part of a green corridor along this side of Chatham Hill and provides a break in the surrounding built form, which is largely made up of terraced dwellings of a high density. It therefore contributes positively to the character and appearance of the area.
4. Chatham Hill is a busy main road with a number of features and street furniture that add little to the character and appearance of the area. However, the proposed building would be highly visible in streetscene, protruding from the slope and appearing much larger and more dominant than any other existing feature in the surrounding area. A tiered design and glazed balustrading have been used to reduce the dominance and bulk of the proposed building when viewed from Chatham Hill and the large windows and

vertical timber boarding are intended to provide visual relief from the blank facade. However, the boxlike design of the proposed building and its prominent siting would still appear as an overly large and bulky addition to the streetscene.

5. The submitted plans indicate that it would be slightly greater in height than the adjacent railway bridge. Whilst its location on the slope would not block any views of the Luton Arches railway bridge, its overall scale compared to the bridge would add to its dominant appearance. Views of the proposed building would be partially blocked when travelling along Chatham Hill from the east by an existing advertisement hoarding. However, due to its significant height, scale and prominent location, this would not negate the overall impact of the proposed building upon the streetscene.
6. The surrounding terraces have a mixed design and appearance, with both residential and commercial uses present. However, the modern appearance of the proposed building would be significantly different from the traditional form and modest scale of the surrounding terraces. The modern design and significant size of the proposed building would therefore appear wholly out of keeping with the surrounding form of built development. Rather than successfully juxtaposing with the surrounding terraces, it would increase its overall prominence to the detriment of the character and appearance of the area.
7. The addition of the proposed building would significantly alter the overall character of Mount Pleasant, which is already narrow and densely developed. Whilst the building would not be highly visible from this viewpoint due to the ground levels, it would result in the loss of the current open and verdant space between this road and Chatham Hill. This would add to the contrived appearance of the proposed development and its overly dominant form and would have a harmful impact on the contribution the appeal site currently makes to the streetscene.
8. The Arboricultural Report submitted by the appellant indicates that the proposed development would result in the loss of some of the existing trees on the appeal site. Whilst these trees may not be categorised as high quality within this report, their scale and semi-mature nature still contribute positively to the locality. As such, their loss would have a detrimental impact on the character and appearance of the area. Additional landscaping on the appeal site could be implemented to enhance its appearance. However, no details of this have been provided and it is not considered that this would overcome the harm to the streetscene that I have identified.
9. Consequently, the proposed development would significantly harm the character and appearance of the area and would conflict with Policies BNE1 and H4 of the Medway Local Plan 2003. These policies seek to ensure development respects the scale, appearance and location of buildings, space and the visual amenity of the surrounding area, allowing infilling in existing residential areas providing that a clear improvement in the local environment will result. It would also conflict with the general design objectives of the National Planning Policy Framework (the Framework) in paragraphs 126, 130, 131 and 134.

Highway Safety and Living Conditions

10. The proposed dwellings would have no on-site car parking provision. The Council's residential parking standard may allow a reduction in the level of car parking permitted, in sustainable locations. However, car-free developments are generally only effective in areas that are within a controlled parking zone (CPZ) and are in locations that are close to service and facilities and/or good alternative transport options. Whilst the proposed development is in a sustainable location, in that it is close to nearby services, facilities and public transport options, including the provision of bicycle storage, the surrounding roads are not within a CPZ.
11. As such, the future occupiers of the proposed dwellings would be able to park on the roads surrounding the appeal site if required. As they would not need a residential parking permit, this parking could not be controlled by the Council. It is noted that a lack of parking provision on the appeal site may dissuade future occupiers of the dwellings from car ownership and the occupiers of 1-bed units are less likely to own a car than family, particularly those who are home working. However, this does not guarantee that a car parking provision would not be required by future occupiers of the dwellings and, without any restrictions, it is reasonable to assume that occupiers and their visitors would use the surrounding roads for car parking.
12. Parking is not possible on Chatham Hill and therefore the parking available to future occupiers would either be on Mount Pleasant, closest to the appeal site, or one of the roads to the south of the appeal site. The proposed development, due to its scale, would not likely result in a significant amount of additional car parking requirement on these roads. However, it was noted during my site visit that parking provision in the surrounding roads is limited as most of the surrounding dwellings do not benefit from off-road parking.
13. The Parking Technical Note dated 10 December 2021 indicates that a survey undertaken on 14 January found vacant car parking spaces on Lester Road and Meadowbank Road. However, this survey was undertaken some time ago and the identified spaces are some distance from the appeal site. It is likely that the future residents of the proposed dwellings would try and park as close to the appeal site as possible. This would be on Mount Pleasant, where car parking is particularly limited due to the restrictive nature of this narrow and steep road with limited room for manoeuvrability. It is also unlikely that deliveries to the proposed dwellings via this road would be able to exit the road in forward gear due to this lack of manoeuvrability.
14. Therefore, although the need for on-road parking from the proposed development may be small, any additional car parking pressures in this area would result in harm to highway safety. This is due to the limited parking provision on the surrounding roads, particularly on Mount Pleasant, and the increased likelihood of dangerous vehicle parking and manoeuvring due to this. Conditions have been proposed relating to the creation of a travel plan for future occupiers of the proposed dwellings and restricting the possibility of turning the dwellings into 2-bed units. However, these would not sufficiently mitigate the harm to highway safety which I have identified.
15. Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe. Whilst the identified harm may not be considered to result in a severe impact to the road network, for the reasons above, the proposal would undoubtedly have an unacceptable impact on highway safety. Therefore, it would be contrary to the first section of this paragraph in the Framework. The appellant has highlighted several recent appeal decisions¹ which relate to large residential schemes where the Council have considered that the residual cumulative impact on the road network would be severe. However, due to their scale, I do not consider these are relevant to the appeal before me.

16. Although not specified within the reasons for refusal, in their report the Council highlights harm to the living conditions of the occupiers of neighbouring dwellings due to increased parking pressures from the proposed development. The increase in parking pressures in the surrounding area, identified above, would be likely to reduce the current levels of on-street car parking for the occupiers of neighbouring dwellings, particularly on Mount Pleasant. As such, this would have a detrimental impact on their ability to park near their property, as most neighbouring dwellings do not benefit from off-road parking provision, and as a result would have a detrimental impact on their living conditions.
17. Therefore, I conclude that the proposed development would harm highway safety and the living conditions of the occupiers of neighbouring dwellings, in relation to car parking. It would therefore conflict with Policies BNE2, T1 and T13 of the Medway Local Plan 2003 which collectively seeks to ensure development protects those amenities enjoyed by nearby and adjacent properties with regard to traffic generation, will not significantly add to the risk of road traffic accidents and requires vehicle parking provision to be in accordance with the adopted standards. The proposal would also conflict with paragraph 111 of the Framework as outlined above.

Other Matters

18. The Council cannot demonstrate a five year supply of deliverable housing sites and the housing delivery test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Therefore, because of the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
19. In the context of the development, I have found that the proposal would be contrary to policies BNE1, BNE2, H4, T1 and T13 of the Medway Local Plan 2003, resulting in significant harm to the character and appearance of the area along with harm to highway safety and the living conditions of the occupiers of neighbouring dwellings, due to car parking pressures. The Framework supports the creation of high quality and beautiful buildings and places which add to the overall quality of the area, stating that development that is not well designed should be refused. The Framework expects development to create places that have a high standard of amenity for existing users. It also indicated that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Therefore, as I have found the policies to be generally consistent with the relevant aims of the Framework, I attach substantial weight to the conflict with them.

¹ Ref APP/U2235/W/20/3254134, APP/UU2235/W/20/3256952 and APP/B1550/W/21/3283646

20. The development would add to the overall housing land supply and make a small contribution to the Government's objective of significantly boosting the supply of homes, with the addition of four new residential units particularly suited to first time buyers. Economic advantages would arise from the construction and occupation of new dwellings, along with the environmental benefits of using existing vacant land in a sustainable location. However, given the scale of the scheme, any such benefits would be small.
21. Therefore, even though there is a shortfall in housing land supply and delivery, given the harm that I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits of four dwellings when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.
22. The Council has highlighted that the appeal site is within 6km of the North Kent Marshes SPA and Ramsar sites. Although not a reason for refusal, they indicate that the proposed development is likely to have a significant effect on these sites from recreational disturbance on the over-wintering bird interest. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

23. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR