



Appeal Decision

Site visit made on 7 February 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/A2280/W/22/3294307

Land Adj 2 Tobruk Way - Easting (x) 575974, Northing (y) 165002

- 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 D Sherwood against the decision of Medway Council.
 - The application Ref MC/21/3492, dated 2 December 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the erection of a single 3 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site formerly comprised a side garden between the houses at 2 and 4 Tobruk Way (numbers 2 and 4). It is within a mainly residential built-up area.
4. The site is on a street which is distinctive due to its regular rhythm of semi-detached dwellings which front onto an area of green open space. Also fronting on to Tobruk Way, and within close proximity to the appeal site, is a terrace of residential houses. Notwithstanding the dormer windows within the front roof-plane of the terrace building, the prevailing patterns and forms of development within Tobruk Way are of buildings arranged in a linear pattern which have a distinctly horizontal emphasis, and which have simple roof forms shaped like an inverted 'V'.
5. The proposed house would be constructed using external materials which would match those found on neighbouring properties. It would also have windows and doors of similar proportions to others within the area. However, it would be detached and considerably narrower than nearby buildings. The design of the proposed dormer window would be similar to those found on the nearby dwellings at 2a-2f Tobruk Way and within Shalfleet Close. However, and notwithstanding the proposed inclusion of a soldier course, the vertical emphasis of the narrow house would be exacerbated by the inclusion of the second-floor front dormer window.
6. The roof would have a steeper pitch than that of neighbouring properties. It would also include a substantial flat section at its apex. While such a roof form

would facilitate the provision of a bedroom and ensuite at second floor level within the house, its form would appear contrived in order to do so. Furthermore, a roof structure of this form would be visually prominent within the street scene. This is because it is different from that of the prevailing and more simple roof forms within the area, and because the dwelling would be sited forward of the building line established by the dwellings at numbers 4, 6, 8 and 10 Tobruk Way.

7. As a result of its design, scale and massing, the proposed development would be at odds with the prevailing patterns and forms of development in the area. It would fail to add to the overall quality of development within the area, and it would diminish the distinctiveness of the area. Consequently, and due to its design, scale and massing, it would cause harm to the character and appearance of the area.
8. At the time of my site visit, the low scrub covered appeal site was fenced off from the street and had a somewhat unkempt and untidy appearance. Whilst the clearing of the site would undoubtedly enhance the appearance of the area and reduce the likelihood of fly-tipping on the site, I cannot conclude that such benefits are necessarily dependent on this appeal being allowed.
9. The proposed development would result in the infilling of much of the gap between the buildings at numbers 2 and 4. The gap is significantly wider than is typical of the area. Furthermore, many other gaps between properties in the area appear to have been diminished by extensions and outbuildings. Therefore, I do not find that development within this gap would necessarily be harmful to the character and appearance of the area. However, this consideration does not lead me away from my previous findings of harm.
10. For the reasons given above, the proposed development would be harmful to the character and appearance of the area. Consequently, and in respect of this main issue, it would conflict with the requirements of policies BNE1 and H4 of the Medway Local Plan – 2003. These policies support infilling in residential areas providing that a clear improvement in the local environment will result. They also require development to be of a satisfactory scale, mass, proportions, and siting, which is appropriate in relation to the character and appearance of the built environment. The proposed development would also conflict with the objectives of paragraphs 126 and 130 of the Framework, where they seek to ensure that new development is of a good design that adds to the overall quality of the area; is sympathetic to local character; and maintains a strong sense of place.

Other Matters

11. The Council has indicated that the site is within 6km of the North Kent Marshes Special Protection Area/Ramsar sites. Given that this appeal is being dismissed on grounds related to character and appearance, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required.
12. Amongst other things, paragraph 38 of the Framework advises Local Planning Authorities to work proactively with appellants and to seek to approve applications for sustainable development where possible. However, in this case it has not been demonstrated that more effective communication between the

Council and the appellant during the consideration of the application would have resulted in a different outcome.

Planning Balance

13. There would be a benefit from the delivery of a house which is suitable for family occupation and in a sustainable location, and which is supported by paragraphs 60 and 69 of the Framework. The implementation of a fabric first approach to construction would reduce the overall energy requirements arising from the use of the property. The incorporation of an electric vehicle charging point and bicycle storage would also help to promote more sustainable modes of travel. The proposed use of permeable paving would also help to minimise surface water run-off rates. However, given the scale of the scheme, any identified benefits would be small, and as such the weight that can be attributed to these benefits is limited.
14. These benefits would be outweighed by the harms which would be caused to the character and appearance of the area, to which I attribute great weight.
15. That the accommodation would provide appropriate living conditions for future occupiers is a neutral factor.
16. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and development plan conflict.

Conclusion

17. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR