



Appeal Decision

Site visit made on 22 March 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/A2280/D/22/3305549

8 Abbey Road, Medway, Gillingham ME8 6AP

- 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 Abid Ali against the decision of Medway Council.
 - The application ref. MC/22/1567, dated 22 June 2022, was refused by notice dated 19 August 2022.
 - The proposed development is for the construction of an extension attached to an existing extension. The proposal is to replace the attached extension with the construction of a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an extension attached to an existing extension. The proposal is to replace the attached extension with the construction of a conservatory at 8 Abbey Road, Gillingham ME8 6AP in accordance with the terms of the application ref. MC/22/1567, dated 22 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, proposed block plan, PE/SD120 proposed ground floor plan, PE/SD130 proposed elevations.
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing outbuilding.

Main Issues

2. The main issues are the effect of the development on a) the character and appearance of the dwelling and surrounding area; and b) the living conditions of the occupants of the property with regard to external amenity space.

Reasons

Character and appearance

3. The appeal site relates to a semi-detached, two-storey house with off-street parking to the front. It is located in a residential area comprising other houses of broadly similar size and design.

4. The proposal would replace an existing polycarbonate and timber extension at the rear of the house with a glazed conservatory, and the plans show that the new element would replicate the existing structure in terms of its footprint and height, with a shallow monopitch roof.
5. Whether or not the existing structure is authorised, I observed at my visit that it is of modest scale, and low level in nature. The site slopes downwards towards the rear, and there are tall boundary walls running along either flank boundary, which reduces its impact even further. Given this context, I consider that the new conservatory would similarly assimilate with the host dwelling, without dominating it or resulting in a cramped over-development of the site, and would integrate with the surrounds.
6. I conclude on this issue that the scheme would not harm the character and appearance of the dwelling and surrounding area. It would comply with Policy BNE1 of the Medway Local Plan May 2003 (LP), which seeks to secure new development of acceptable size 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

7. Due to the extensions to the main house and the presence of a large outbuilding at the end of the garden, the resultant external amenity space at the rear would be small. Nonetheless, I have not been provided with any specific Local Plan policy requirements relating to the length or breadth of garden areas. To my mind, the garden would retain a useable rectangular shape, and I am satisfied that it would meet the needs of the appellant and his family. On balance, I do not consider that a dismissal of the appeal on this ground alone would be warranted.
8. I conclude that the proposal would not be deleterious to the living conditions of the occupants of the property with regard to external amenity space. It would meet policy BNE2 of the LP, which relates to the protection of the quality of life and states that all development should secure the amenities of its future occupants. It would also be consistent with the advice in the Framework, which advocates safe and healthy living conditions.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring external materials to match those on the existing building would provide for a satisfactory appearance.
10. The existing extension would need to be demolished before construction on the conservatory could commence, and as such a condition requiring its removal would be unnecessary. I have no compelling evidence to justify a condition relating to the use of the house.

Conclusion

11. Having regard to the foregoing and all other issues, the appeal is allowed.

C Hall

INSPECTOR