The Planning Inspectorate

Appeal Decisions

Site visit made on 16 May 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 26 May 2023

Appeal Refs: APP/A2280/C/22/3292238 & APP/A2280/C/22/3292239
12 Watermeadow Close, Hempstead, Gillingham ME7 3QF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Julian Clark & Mrs Sharron Clark against an enforcement notice issued by The Medway Council.
- The enforcement notice was issued on 17 January 2022.
- The breach of planning control as alleged in the notice is: "Without the benefit of planning permission the erection of an extension to existing garage."
- The requirements of the notice are:
  Demolish the extension to the garage and remove all resultant debris from the site.
- The period for compliance with the requirements is two calendar months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeals are allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an extension to existing garage at 12 Watermeadow Close, Hempstead, Gillingham ME7 3QF referred to in the notice.

Ground (a) appeal and the Deemed Planning Application

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 relates to a detached house within a residential cul-de-sac characterised by similar detached houses set within spacious plots, set back from the road behind landscaped front gardens and grass lawns which gives the area a green and open character. During my site visit I observed that many of these properties benefit from large garages.

4. The property has been previously extended with a single storey rear extension. More recently, the detached garage situated to the rear of the site has been extended with a single storey side extension (the subject of this appeal). The garage extension has been designed with matching materials and incorporates

a pitched roof with a gable end, giving an integrated appearance with the original garage and other garages within the immediate close. As such the extended garage has a straightforward and pleasing design and is similar to other properties that lie within the Close in terms of its design, scale, and materials.

5. The garage extension also preserves a reasonable gap from the main property, is set back from the road and positioned behind the existing grass lawn and mature trees. Overall, the development adequately respects the verdant and open character of the area.

6. The Council consider that the unauthorised works are similar to two previously refused applications which were both dismissed on appeal (Appeal Refs: 2108863 and 2155517). However, based on the evidence submitted, the existing extended garage would not be as wide as these previously refused schemes, and therefore the openness of the area would not be harmed.

7. Furthermore, in relation to appeal ref: 2108863, the Inspector in that case stated that that proposal would result in the loss of 3 adjacent trees and the creation of additional hard paving which would reduce the potential for planting and could result in more cars being parked around the building eroding the character of the area. However, the current proposal does not result in the loss of trees and maintains the existing soft landscaping in front of the garage. As such those previous applications were materially different to the current appeal before me, which I have considered on its own merits.

8. I therefore conclude that the development preserves the character and appearance of the area, in accordance with Policy BNE1 of the Medway Local Plan (2003). Amongst other things this requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment by respecting the scale, appearance and location of buildings, spaces, and the visual amenity of the surrounding area. The development also complies with aims of part 12 of the National Planning Policy Framework, 2021, which requires development to be sympathetic to local character and history.

Other matters

9. A condition has been suggested by the Council requiring that the outbuilding be used for purposes incidental to the enjoyment of the main dwelling. However, planning permission would be required for a change of use, and therefore such a condition is unnecessary. No other conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

10. For the reasons given above I conclude that the appeals succeed on ground on ground (a). I shall grant planning permission for the development described in the enforcement notice. The enforcement notice will be quashed, and it follows that the appeal on grounds (f) and (g) do not fall to be considered.

R Satheesan

INSPECTOR