
Appeal Decision

Site visit made on 5 June 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/K2230/D/23/3316290

38 Parrock Road, Gravesend, Kent, DA12 1PZ

- 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 Mark Dickinson against the decision of Gravesham Borough Council.
 - The application Ref. 20221079, dated 7 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is ground floor rear balcony and lower ground floor car parking above garden store and terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of neighbouring residents, with particular reference to the potential for overlooking, noise and disturbance.

Reasons

3. The appeal property is a detached dwelling within a group of properties that are two-storey at the front, and three-storey at the rear, to reflect the sloping ground levels. The dwelling has a driveway which leads to an integral rear garage and a hard surfaced parking area that sits between the house and its garden below. At the appeal site visit, it was apparent that the depth of the parking area is sufficient to accommodate two parked vehicles side by side. The dwellings to the south appear to access garaging and parking from Parrock Avenue to the side, whereas 36 Parrock Road (No.36) has a similar rear parking arrangement to the appeal property.
4. Vehicular activity to the rear of Nos. 36 and 38 already occurs, but there is a distinction between the hard surfaced parking areas and the lower gardens beyond. The depth of the extended parking area would be significant and close to the boundary with No.36. Continuing the ground level of the existing parking area into what is currently lower garden space would result in the extended parking area standing above the garden of No.36. This would introduce an unacceptable degree of noise, nuisance and vehicular activity next to the garden, which is distinct from the parking 'zone' of the two properties where such activity is currently confined.

5. Furthermore, the extended parking area would allow residents to look down into the neighbouring garden at closer range than at present, causing loss of privacy. I consider this potential for overlooking would be materially greater than that which currently exists between the two properties, and between other properties in the wider area. As noted by the Council, vegetation along the boundaries which is not a permanent feature cannot be relied upon to mitigate this adverse impact.
6. The appellant advises that the extended area would improve on-site turning. However, as it is stated that there is currently not enough parking space for the family cars, parking would likely occur on both the existing and extended areas. As such, whilst I appreciate that the driveway itself and the on-site turning area is reasonably constrained, I am not satisfied that this proposal would materially improve on-site turning if parked vehicles are within both areas. Instead, it would add to the number of vehicles and activity within the rear garden environment.
7. I appreciate that the purchase of parking permits has a cost and may be inconvenient for residents and visitors, but it appears to be an option, and no evidence has been supplied to indicate that there is not capacity within the local area. Although not ideal, occupants of the dwelling could potentially use the permit option when closer on-site parking is needed for less mobile visitors to the property. I note the purpose of an intended conversion of the existing garage to create more accessible accommodation, but this conversion is not part of, or obviously dependent on, the appeal proposal.
8. With regards to the proposed balcony, the rear elevation of the appeal property is set slightly behind the neighbouring houses. As such, the proposed obscure glazed side balcony panels would prevent direct overlooking of the private garden area directly behind No.40 to the south, and also views of the lower balcony of No.36. Whilst I accept that users of the balcony would be able to look towards the end of the neighbouring gardens, given the potential for overlooking from the existing windows and doors I do not consider this to be so significant as to harm living conditions. To a degree, the reasonably modest depth of the balcony would also limit its use. In addition, I find the proposed terrace to be acceptable in its relationship to neighbouring gardens.
9. However, I am unable to issue a split decision in respect of the terrace or balcony, as they are not functionally independent of the wider proposal; the terrace is integral to the store and parking above, and to construct the balcony without the additional parking area would reduce the usability of the existing hardstanding for parking.
10. I therefore conclude that the lower ground floor car parking above garden store would introduce noise, disturbance and the potential for overlooking to a degree that would harm the living conditions of neighbouring residents. This would conflict with Policy CS19 of the Gravesham Local Plan Core Strategy 2014, which amongst other criteria requires new development to be located, designed and constructed to safeguard the amenity, including privacy, of neighbouring properties, and to avoid adverse environmental impacts from noise. None of the paragraphs of the National Planning Policy Framework referred to in the appeal statement offer support to the proposal that would outweigh the conflict with Policy CS19.

Other Matters

11. The boundary of the Windmill Hill Conservation Area is on the opposite side of Parrock Road to the appeal site. Given the nature and location of the appeal development it would have no impact on the preservation of the character or appearance of the historic area.
12. I am mindful that no objections were received in response to public consultation on the application, but as occupants and their opinions change over time, it is appropriate to secure by design reasonable living conditions for current and future neighbours of the property.

Conclusion

13. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR