



Appeal Decision

Site visit made on 1 June 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/A2280/W/22/3299931

Alpha House, Laser Quay, Culpeper Close, Medway City Estate, Rochester ME2 4HU

- 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 Gerry Phoenix of Abbey Iconic Ltd against the decision of Medway Council.
 - The application Ref MC/21/1897, dated 25 June 2021, was refused by notice dated 5 May 2022.
 - The development proposed is construction of an additional two storeys to the existing building for use as offices.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal proposal.
3. The address in the banner above is taken from the Council's decision notice and the appellant's appeal form, as this more accurately reflects the appeal site address. I have also corrected the spelling of the appellant's surname based on the spelling provided within the appeal form and related appeal correspondence.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal relates to a building (Alpha House) located on the western edge of Laser Quay business park (Laser Quay). Alpha House is a detached three-storey building and occupies a prominent position given its siting adjacent to the River Medway. The wider area is characterised by commercial/industrial uses located in various building styles and designs of two and three-storeys, albeit the immediate surroundings of Alpha House in Laser Quay are characterised by a distinctive rhythm of buildings of three storey height which is complemented by a similar scale of buildings in Sunderland Quay beyond.
6. Whilst I cannot be certain they were built at the same time, Alpha House is one of five three-storey modern office blocks located in close proximity. While sharing an overall design with matching materials including, brick, glazed areas

and shallow-pitched roofs, they are not identical or symmetrical to all elevations but do share a generally similar appearance and have a matching height. Similarly, to the north and south, whilst of differing visual appearance and style, buildings are of a broadly consistent height with Alpha House.

7. During my site visit, I observed Alpha House and surrounding buildings from the opposite side of the River Medway along Common Creek Wharf and Thalia Way. Despite the different visual appearance, the consistent height of the buildings is a positive characteristic of the built form visible along the riverside. I also observed that despite sharing a close relationship with Beta House, the shared building heights prevented either building from appearing discordant with each other.
8. The proposed development would see the erection of two further floors to provide additional office accommodation. On the front elevation, this would appear as two further floors in contrast to the remaining elevations, whereby the uppermost floor would be incorporated into the roof space, helping to reduce the perception of the increased height of the building. The use of brick and render with the addition of a further balcony would also assist the proposed scheme to assimilate with the host building and the appearance of other nearby buildings.
9. Nevertheless, the proposed works would result in a significantly taller building than those found nearby, emphasising its height and scale within the immediate area, which would contrast awkwardly with the primarily consistent height of development found in the surrounding streetscape. The increase in height would also give this building an incongruously vertical emphasis dominating the buildings found within Laser Quay and views in and out of the surrounding area, including from across the river.
10. The appellant has indicated that the configuration of the previous scheme would not have allowed for sufficient space for requirements of the company which suggests that there is little prospect of the previous application providing a realistic fallback position if this appeal were dismissed. However, even if that were not to be the case, whilst the footprint of the building would not be increased and a shallow roof would be incorporated, the proposal would nevertheless be taller and of additional height. As such I find that the previously designed scheme is not directly comparable and does not justify the harm that would arise from the proposal which I have necessarily considered on its own merits. Furthermore, based on the evidence before me, no formal decision was issued on that scheme as the required planning obligation was not provided.
11. The appellant has brought to my attention other buildings, which are considered to be buildings of similar scale nearby at the M2 City Link business estate. Whilst buildings occupying those sites are of some scale, they are all of a comparative size and appearance with each other such that no individual unit is more prominent in the streetscene. Whilst taller than some surrounding buildings, these buildings appear to have been designed as part of the same scheme. Additionally, these buildings are located some distance from the appeal site and cannot be seen alongside the development proposed and, therefore, their presence does not replicate nor justify the harm that would arise from the proposal.

12. During my site visit, I also observed the nearby Silos on Crown Wharf. Whilst taller than many nearby buildings, they are more industrial in appearance and share a close association with the nearby warehouses. As such, are visually differentiated from and they do not disrupt the consistent rooflines of the buildings on Laser Quay, located close to the river.
13. Other examples of buildings of scale can be found on the opposite side of the river where, there is a greater variety of styles and sizes evident with further large-scale buildings under construction. However, this is in contrast to the largely consistent roof lines of buildings found closest to the river on Laser Quay. As such, the evidence before me does not show that the examples mentioned are directly comparable to the one before me or that the characteristics of the built form are the same. Therefore, the presence of each of those existing buildings is not justification for the harm that would arise from the proposal in its particular surroundings.
14. I conclude that the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policy BNE1 of the Medway Local Plan, which, in part, seeks to ensure that development proposals respect the character of the site, its context and surroundings in terms of layout, size, scale, form and massing. It would also be contrary to the National Planning Policy Framework (the Framework), where it states developments should be sympathetic to local character.

Other Matters

15. I have found the scheme would be contrary to the provisions of the Framework with regards to development being sympathetic to local character. There is no other substantive evidence presented to demonstrate that the Council's development plan is not up-to-date. I therefore find paragraph 11 d) of the Framework is not engaged.
16. Covid-19 restrictions have been relaxed since the application was determined nevertheless, the proposal would enable the provision of additional office space in what is a sustainable location making use of an existing office building. There would also be social and economic benefits associated with the creation of employment both during construction and from the additional commercial space. I attach significant weight to these benefits. However, given the limited scale of the scheme, such benefits would be relatively modest and do not outweigh the harm I have found above.
17. A draft and unsigned S106 agreement was provided during the appeal process. This seeks to provide a financial contribution towards highway improvements at Medway City Estate roundabout to mitigate against the impact of the proposed development. Had I been minded to allow the proposed scheme I would have required a signed and completed copy. However, in this case it is not necessary to consider if the obligation would accord with the three tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 as the mitigation of highway impacts arising from the proposal would be a neutral factor that would not overcome the harm I have otherwise identified.

Conclusion

18. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR