



Appeal Decision

Site visit made on 14 November 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/A2280/W/23/3318240

163 Grange Road, Gillingham ME7 2TL

- 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 Divyesh Patel against the decision of Medway Council.
 - The application Ref MC/22/2466, dated 14 October 2022, was refused by notice dated 17 January 2023.
 - The development proposed is the construction of a detached dwelling with a dormer loft to accommodate a two bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The third reason for refusal states that the proposal fails to address the impact of the proposal on the Special Protection Areas (SPAs). I note that the SPAs are also Ramsar sites. The Council confirms that the Strategic Access Management and Monitoring (SAMMS)¹ contribution was paid in March 2023 and therefore it considers that this issue has been addressed. The main issues below reflect the Council's position and I return to the SPA and Ramsar site issue later.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the development would provide acceptable living conditions for future occupants, with particular regard to private amenity space.

Reasons

Character and appearance

4. The appeal site lies on the corner of Grange Road and Lower Woodlands Road in a predominantly residential area. It is within the curtilage of a part single storey part two storey building which accommodates a shop unit and house. There is a mix of plot and dwelling types, sizes, and heights nearby. Despite many having been altered or extended, the majority retain symmetrical building forms and roofs in views from the street. Immediately east along Grange Road is a row of bungalows which follow a uniform building line.

¹ Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy 2014

5. The proposal is for a two-bedroom house between the existing bungalows and the large corner shop and dwelling. The building would face Grange Road and be located considerably forward of the line of bungalows, failing to reflect the prevailing pattern of development along this part of the street.
6. The proposed contemporary building would form a transition between the different height structures on either side. However, the proposed roof, due to its asymmetrical cat slide form, would be out of character with the symmetrical roof forms of buildings in the vicinity. Further, because of its projection above the eaves and forward of the roof pitch, the front entrance and landing would introduce an incongruous feature.
7. The dwelling would maintain boundary separation distances and much of the site would remain undeveloped but, due to the site's triangular shape, the building would have an irregular footprint, uncharacteristic of the properties in the area. Consequently, due to its position, roof form and shape, the proposed house would appear to be squeezed into the site and be discordant in views from Grange Road and Lower Woodlands Road.
8. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy BNE1 of the Medway Local Plan 2003 (MLP) where it requires development to respect the appearance of the surrounding area, amongst other things. It would also conflict with the National Planning Policy Framework (the Framework) which requires good design and development to be sympathetic to local character.

Living conditions

9. The development would include manageable areas of rear outdoor space and areas of front lawn. Whilst the Medway Housing Design Standards are guidance, the short length and small overall size of the proposed rear external space would be insufficient to meet the needs of future occupants of the proposed small family house.
10. Large front lawns are proposed but, due to their location alongside the public footway and the dwelling access path with its associated comings and goings, these would not provide sufficiently private areas of amenity space.
11. There is a large area of public open space close by which is within guideline distances for walkable neighbourhoods and desirable access to facilities. However, this has a different function to a private space and does not replace the need to provide it.
12. The proposed house would create an acceptable level of outlook for future occupiers, including from the proposed living area, and an internal floor area which exceeds the national space standards. However, these would not overcome the unsatisfactory provision of private amenity space.
13. Therefore, I conclude that the proposal would provide unacceptable living conditions for future occupants, with particular regard to private amenity space. This would be contrary to Policy BNE2 of the MLP which requires development to secure the amenities of its future occupants, amongst other things. It would also conflict with the Framework which requires developments to provide a high standard of amenity for future users.

Planning Balance and Conclusion

14. The Council accepts that it is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The Framework seeks to boost the housing supply to cater for different groups and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would provide a modest net contribution of one dwelling on a small site unaffected by heritage designations, helping to diversify housing stock. It would make better use of land where the principle of residential development is acceptable in an area with good access to services and facilities, and contribute towards Medway's housing supply. However, one additional dwelling would make little difference to the overall supply of housing and addressing the shortfall. Therefore, I attribute modest weight to this benefit.
16. There would also be some economic benefits during the construction phase when the development would provide jobs and once occupied when future residents would increase local expenditure and contribute to the local workforce. However, given the relatively small scale of the proposal, these benefits would be limited.
17. In contrast, the proposal would harm the character and appearance of the area and result in unacceptable living conditions. The Framework requires good design, development to be sympathetic to local character and decisions to provide a high standard of amenity for future users. I have concluded that the proposal would conflict with Policies BNE1 and BNE2 of the MLP in these respects which are broadly consistent with the Framework. These matters combined carry significant weight against the scheme.
18. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
19. The proposal would be likely to have a significant effect, either alone or in combination, on the Thames Estuary and Marshes and Medway Estuary and Marshes SPAs and Ramsar sites due to its location within 6km of them. However, notwithstanding the SAMMS contribution, there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
20. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR