



Appeal Decision

Site visit made on 18 December 2023

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/A2280/D/23/3329606

1 Park Avenue, Gillingham, MEDWAY, ME7 4AS

- 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 Lee Austin against the decision of Medway Council.
 - The application Ref MC/23/1031, dated 2 May 2023, was refused by notice dated 26 June 2023.
 - The development proposed is installation of three roof lights to the front and one roof light and dormer to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised versions of the National Planning Policy Framework (the Framework) have been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the latest version of the Framework in reaching my decision.
3. I have taken the description of the proposed development from the planning application form, although I note this varies on other documents.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the existing building and the general area and whether the development would preserve or enhance the character or appearance of Gillingham Park Avenue Conservation Area (the CA).

Reasons

5. The property falls within the CA although just inside its defined boundary. CA designations recognise architectural characteristics or historic values of an area that make such areas special and worthy of CA status. The guidance of April 2010 recognises the area's special interest to be one representing a good example of an Edwardian planned development in an attractive setting that survives in a relatively unaltered state. This provides the CA with a distinctive quality to both the character and appearance of the area and gives this area architectural significance. The appeal property falls within the CA and is one of

- those properties that surround the attractive sylvan environment of Gillingham Park. The park and the surrounding properties, of which the appeal property is one, are distinctive and contribute substantially to the CA's significance.
6. The rear roof slope is clearly visible in public views from Oxford Road and in the approach to the CA. This property forms part of a pair of matching appearance to the rear. Despite the dormer being positioned away from the sides, ridge and eaves, the proposed dormer would be large and occupy a significant proportion of the rear roof slope. The introduction of a large rear dormer would appear out of keeping in the context of this pair of properties and, given its overall size, would be an unsympathetic form of development within the rear roof slope. It would be a discordant feature that would be visually harmful to the appearance of the dwelling and the area generally. Consequently, for these reasons and compounded by its visual prominence in public views along Oxford Road and on the approach to the CA, the proposal would be visually harmful.
 7. Some of the properties along Park Avenue and Oxford Road host dormer roof style extensions and I have been directed to a number of properties along both these highways, as well as others further afield, and some planning documents relating to these examples. From what I saw at my visit there is wide variety to the styles of roof dormers in the area, as illustrated within the photographic examples provided. Nonetheless, the proposal would introduce an additional negative feature within the CA and would be visually harmful for those reasons set out above. The proposal would undermine the purposes of the CA designation. The existence of other roof dormers, even if erected post CA designation, does not overcome the harm I have identified resulting from the proposed development or provide justification for further visually harmful development within the CA.
 8. Given the size and scale of the proposal in the CA, I consider there would be less than substantial harm to the character or appearance of the CA. In accordance with paragraph 208 of the December 2023 Framework, I must weigh the harm against the public benefits of the proposal. The proposal would provide additional living space within the property and improve the internal layout. However, this would be limited to providing a personal benefit for the appellant. There would be no clear benefit to the public that would sufficiently outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy.
 9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the existing building and the general area and would neither preserve or enhance the character or appearance of the CA. The proposal would, therefore conflict with Policies BNE1 and BNE2 of the Medway Local Plan 2003. These policies seek, amongst other matters, development (including extensions, alterations and conversions) to be appropriate 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 and to pay special attention to the preservation and enhancement of the character and appearance of CAs.
 10. I acknowledge the Council's Local Plan is of some age and has run beyond its intended timeframe. Nonetheless, the aims of Policies BNE1 and BNE2 align

with the provisions of the Framework that seek to achieve well-designed and beautiful places and to conserve and enhance the historic environment. As such, these saved policies can be attributed significant weight.

Other Matter

11. The Council officer's report raises some concern to the removal of a chimney stack but this has not been specifically referred to in reason for refusal. However, given that I am dismissing the appeal for those reasons pertaining to the Council's reason for refusal, there is no need for me to specifically address this other matter.
12. It is suggested that the Council should have considered views from Brasenose Road. However, I have concluded that the proposal should fail for those reasons set out above.

Conclusion

13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR