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# Appeal Decision

Site visit made on 1 February 2024

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 February 2024**

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**Appeal Ref: APP/A2280/W/23/3317586**

**37 Cranmere Court, Strood, Rochester, Medway ME2 4SF**

- 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 Miss Joanne Collard against the decision of Medway Council.
  - The application Ref MC/22/2194, dated 7 September 2022, was refused by notice dated 1 December 2022.
  - The development proposed is proposed new 3 storey detached dwelling on land adjacent 37 Cranmere Court, with inclusion of two new parking bays and alteration of existing parking bay position to 37 Cranmere Court.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. Cranmere Court is characterised along the south-western side of the street by a linear pattern of two storey terraced dwellings with common features of well-sized front gardens, canopies and a strong pattern of fenestration. The appeal site is located between two terraced rows of dwellings which sit perpendicular to each other. Further interest is provided to the adjacent terraces by the use of a hipped roof to one and half hip to the other. There is a considerable amount of hard surfacing along the street, making the contribution of the landscaping particularly valuable in softening the built environment.
5. The proposed dwelling has an irregular fenestration pattern at ground floor and no projecting features or articulation to the front elevation. It would be notably wider than the surrounding dwellings and would provide a plain pitched roof. The proposed dwelling would be sited very close to the edge of the road. This would be at odds with the generally spacious plot sizes of the surrounding

dwelling. Consequently, the proposed dwelling would appear as an incongruous and poorly related addition to the street scene.

6. The proposed layout would result in the loss of much of the front garden of 37 Cranmere Court to parking spaces. While the tree is not protected, it and the relatively large grassed front garden are attractive features in the street and are valuable in providing relief from the hard urban form around the turning head.
7. While the properties opposite tend to be laid out along short cul-de-sacs and include more variation in house types and styles, the proposed dwelling would not be read in the context of those dwellings due to its proposed position set back in the street. Furthermore, there is extensive use of various design techniques to introduce interest to the dwellings. No such features are shown on the proposed dwelling.
8. The proposed development would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Medway Local Plan (May 2003) Policies H4 and BNE1 which, taken together and insofar as they relate to this appeal, require development to be satisfactory in terms of scale and detail, respect the scale of buildings in the surrounding area and provide a clear improvement in the local environment. It would also be contrary to the advice in paragraphs 131 and 135 of the Framework which confirm that the development should function well and add to the overall quality of the area.

### **Other Matters**

9. There would be a benefit from the delivery of an additional dwelling that would be located within an existing urban area. There would also be economic benefits arising from the proposed development, including opportunities for local businesses and to support skills development and apprenticeships. However, these benefits would be limited given the proposal is for a single dwelling.
10. The application was prepared with regard to advice provided by the Council's planning officers and supported by documents which demonstrated the development would be acceptable with regard to noise, contamination and flood risk. Acceptable living conditions to future occupiers of the proposed dwelling would be provided, including the provision of private amenity space. No adverse effects on the living conditions of neighbouring occupiers have been identified and I have no reason to disagree with this. The existing trees are not subject to a Tree Preservation Order.
11. The Council has confirmed that permission has subsequently been granted for a smaller dwelling on the site which addressed their concerns with regard to the design of the dwelling and the position of parking spaces. Although the appellant has not commented on this, I have no reason to think anything other than there is a greater than theoretical possibility that this permission would be implemented. As this would provide an additional dwelling without the harm to the character and appearance of the area, it would not lend support to the scheme before me.
12. The appeal site is within 6km of the North Kent Marshes Special Protection Area and Ramsar site which is subject to pressures from recreational disturbance. The appellant has paid contribution towards mitigation. Had I been minded to

allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European site and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be a neutral matter.

13. Section 149(1) of the Equality Act 2010 is that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. There is the potential for my decision to affect persons with a protected characteristic. The negative impacts of dismissing this appeal will arise from the difficulties in finding suitable accommodation. However, having due regard to this, and to the principles set out in s149, in my view the adverse effects of dismissing the scheme on those with protected characteristics would be proportionate, having regard to the potential adverse effects of allowing the development.
15. The application was submitted following positive pre-application advice. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion. While such advice is not binding, it is clearly unfortunate when a different decision is reached on an application. However, I am not aware of the detail upon which Council's advice was based and I have dealt with the appeal on its planning merits.

## **Conclusion**

16. The proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

*J Downs*

INSPECTOR