



Appeal Decision

Site visit made on 16 January 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/A2280/W/23/3317825

75 White Road, Chatham ME4 5TL

- 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 Billy Phillips against the decision of Medway Council.
 - The application Ref MC/22/2476, dated 17 October 2022, was refused by notice dated 6 December 2022.
 - The development proposed is a two-storey side extension to create a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their comments in my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. 75 White Road is in a residential area comprising mostly short terraces and pairs of houses. The groups of houses generally have a similar appearance and dimensions, notwithstanding some extensions and alterations. White Road is one of several streets in the neighbourhood with a comparable layout, which includes generous gaps between groups of dwellings, particularly where they are positioned at angles around corners and intersections. The appeal site is at the end of a short terrace, next to one such angled pair. Overall, the layout, rhythm and spacing of the houses contribute to the spacious and regular character of the area.
5. The proposed dwelling would be narrower than the other houses in the terrace to which it would be attached. The front building line would be set back from the rest of the row and the introduction of a recessed hipped roof would contrast with the roof form at the other end of the terrace. The arrangement of front door and window on the ground floor front elevation of the new house would disrupt the regular, alternating pattern along the group. Overall, the new dwelling would look incongruous, notwithstanding the proposed use of matching materials and window style. The subservience of the new house to its

- neighbour would add to rather than mitigate this incongruity, given No 75 is part of a terrace that was designed to be uniform.
6. Furthermore, the proposal would fill part of the distinctive gap between corner properties. The layout would appear cramped and would alter the regular and spacious pattern of development to the detriment of local character. I recognise there would still be a space between the site boundary and that of No 73. However, this would be considerably narrower than comparable spaces in the area, so would not mitigate the harm I have found.
 7. I acknowledge there are some side extensions in the area that have altered elements of the original pattern of development. Nevertheless, these are not so numerous as to erode local character. I have also considered the permissions¹ brought to my attention. I am not aware of all the considerations that applied in these cases. That said, the characteristics of each site are different, and a number of these examples are some distance from White Road, so not part of the immediate context that is an important consideration here. Moreover, as two-storey side extensions these examples are not directly comparable to the proposal for a new dwelling before me. Therefore, these decisions do not lead me to a different conclusion on the main issue in this appeal.
 8. I note the proposal has taken account of a previous refused permission for the appeal site², including in relation to fenestration and room sizes. I understand there was a subsequent dismissed appeal³ but I do not have that decision or full details of the earlier application before me. Therefore, I cannot be certain of the previous Inspector's full conclusions or of all the differences and similarities between the two schemes. In any event, I have considered the appeal proposal on its own merits based on the evidence before me.
 9. I acknowledge that the Framework promotes the effective use of land, including small sites, in meeting the need for homes. However, at paragraph 128 it states the efficient use of land should take into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed places. Section 12 of the Framework also seeks good design and development that is sympathetic to local character. Bearing in mind the harm to character I have identified, I find the proposal would be contrary to the Framework in this respect.
 10. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. This is contrary to Policies BNE1 and H4 of the Medway Local Plan 2003 (MLP), which require the design of development to respect the scale, appearance and location of buildings and spaces in the surrounding area; and support infilling in residential areas provided that a clear improvement in the environment will result. It is also contrary to the Framework for the reasons given.

Other Matters

11. The proposal would create one dwelling, which would contribute to the supply of housing in the area and to the local economy through construction and future occupiers' use of local services and facilities. This would accord with the Framework where it seeks to increase the supply of housing and support

¹ Application references MC/19/2884, MC/19/1342, MC/13/2230, MC/12/2330

² Application reference MC/21/2269

³ Appeal reference not provided

economic growth. However, given the modest scale of the proposal I ascribe limited weight to these benefits.

12. The Council has raised no concern with proposed living conditions for future occupants, or the effect of the proposal on the living conditions of neighbouring occupiers. On the evidence before me, I see no reason to disagree with these conclusions. However, an absence of harm in these respects is a neutral factor.
13. I note the appellant's climate change statement. The proposed measures are covered by other regulatory regimes, so are also neutral factors.
14. The site is within the Zone of Influence of European designated sites. I understand the appellant has made a mitigation payment to the Council. However, as I am dismissing the appeal for other reasons it has not been necessary for me to address this matter further.

Planning Balance

15. For the reasons set out above, the proposal would conflict with Policies BNE1 and H4 of the MLP. While there may be a limited degree of support from other development plan policies, I conclude the proposal conflicts with the development plan, read as a whole.
16. The Council acknowledges it is unable to demonstrate a five-year supply of deliverable housing land. In these circumstances, paragraph 11(d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The harm resulting from the conflict with the development plan as a whole also results in conflicts with the Framework for the reasons given above. In this case, the harm would affect the character and appearance of the surrounding area, to which I attribute considerable weight. The weight of this harm would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework as a whole.

Conclusion

18. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR