



Appeal Decision

Site visit made on 23 April 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/A2280/D/24/3337319

17 Kings Avenue, Rochester, Medway ME1 3DS

- 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 Dimitrios Pappas against the decision of Medway Council.
 - The application Ref MC/23/2218, dated 5 October 2023, was refused by notice dated 1 December 2023.
 - The development proposed is described as part demolition of existing building, construction of a 2-storey dwelling with rear extension plus extension of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the: -
 - a) Character and appearance of the host property and the area; and,
 - b) Living conditions of the existing occupiers of No.15 Kings Avenue.

Reasons

Character and appearance

5. The roof design of the main part of the dwelling is of traditional pitched roof form. To the rear the two storey projection would be of flat roof design. The flat roof design would be at odds with the traditional pitched roof of the host dwelling. The projection would be a large addition at the rear of the dwelling and its flat roof design would be out of keeping with the main host dwelling.

Consequently, the proposal would be a visually harmful and unsympathetic addition to the host dwelling. The visual harm arising from the development would be clearly visible in the outlook of existing neighbouring occupiers and in some glimpsed public views from the surrounding area.

6. By keeping the ridge height down to create a chalet style bungalow with a rooms in the roof appearance rather than a fully two-storey dwelling, the proposal may have a more sympathetic appearance within the street scene. This would be a benefit of the proposed scheme but this does not overcome the harm that I have identified to the rear of the property.
7. I saw at my visit that No.19 Kings Avenue hosts a two storey flat roof rear extension. The Council indicates that that development pre-dates the current 2003 Medway Local Plan. Such a development would have been assessed against a previous development plan context. This proposal can and should be considered against the current development plan that is in place and the latest version of the Framework. There are also examples of both single storey flat roof extensions and a large flat roof loft conversion dormer in the locality. However, these are not of the size and scale of the rear projection proposed here. These matters do not overcome my above concerns or justify the proposed development.
8. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the area. The proposal would, therefore conflict with Policy BNE1 of the Medway Local Plan 2003 and the provisions of the Framework. That policy seeks, amongst other matters, development to be appropriate in relation to the character and appearance of the built environment.

Living conditions

9. The rear extension would create an approximately 3m long by 6m high flank wall adjacent to No.15 Kings Avenue impacting the neighbour's most private area of garden that contains a patio.
10. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. Despite being of flat roofed design intended to reduce the massing of the rear projection, the flank wall would be extremely dominant in the outlook from the rear habitable living space within the property, as well as from their outdoor living space at the rear of the dwelling. The visually overbearing impact of this wall in such close proximity to the adjoining property would diminish the enjoyment of the residential living environment for the neighbouring occupiers. This would harm the enjoyment the existing occupiers of No.15 should reasonably expect to enjoy.
11. I acknowledge that its overall height would be lower than that of No.15. and no public objection has been raised to the proposal. However, these factors do not overcome my concerns or justify the proposed harm arising from the development.
12. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the existing occupiers of No.15 Kings Avenue. The proposal would, therefore conflict with Policies BNE1 and BNE2 of the Medway Local Plan 2003 and the provisions of the Framework. These policies seek,

amongst other matters, development to be satisfactory in terms of scale, mass and siting and to protect those amenities enjoyed by nearby and adjacent properties.

Other Matters

13. The Council have raised concern in their delegated case officer's report that the two-storey extension on the boundary to No.15 Kings Avenue would result in a narrow and un-appealing relationship between the two properties and will also be detrimental to the open character of the street scene. This has not been a matter specifically referred to in the Council's reasons for refusal. However, since I am dismissing the appeal for those reasons set out above it has not been necessary for me to address this matter in detail.

Conclusion

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

Nicola Davies

INSPECTOR