



Appeal Decision

Site visit made on 8 July 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/A2280/W/23/3329042

8 St James Close, Isle of Grain, Rochester ME3 0BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Mullane against the decision of Medway Council.
 - The application Ref is MC/23/0217.
 - The development proposed is described as: "sever land a erect a bungalow on land adj 8 St James Close"
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their responses in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - highway safety, with particular reference to parking and access.

Reasons

Character and appearance

5. St James Close is a cul-de-sac comprising short terraces and pairs of modest two-storey dwellings of generally consistent size and appearance and regular layout. The appeal site is a corner plot with a side garden.
6. The proposed bungalow would have a considerably larger footprint and somewhat wider frontage than the host dwelling and the other houses in the street. It would occupy a substantial proportion of the proposed triangular plot, with the relatively narrow space at the front dominated by parking and access.

The new dwelling would therefore appear out of proportion and cramped in its plot compared to the other dwellings in the Close.

7. I recognise the single storey and proposed set back would be subservient to the host dwelling, and that there are other bungalows in the wider neighbourhood. Appropriate materials and landscaping could be secured by condition were the appeal to be allowed. However, these factors would not be sufficient to overcome the awkward configuration at the front of the site, which would detract from the new dwelling's appearance in the street scene.
8. 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 H9 of the Medway Local Plan 2003 (MLP), which require the design of development to be appropriate in relation to the character and appearance of the built environment, and only permit backland development when the character of the area as a whole is maintained. It is also contrary to the Framework, which seeks developments that are sympathetic to local character.

Highway safety

9. MLP Policy T13 expects development proposals to make vehicle parking provision in accordance with the adopted standards set out in Appendix 6 of the MLP. These require a maximum of two spaces per residential unit of two or three bedrooms in rural areas.
10. The Council describes Grain as a rural settlement and on the evidence before me I see no reason to disagree. The proposal shows two off-street spaces for the new bungalow, which would therefore be within the required standard.
11. However, the access to the new parking spaces would be narrow, close to the entrance to No 8 and the driveway to No 9 and at the corner of the turning head for St James Close. There is little to demonstrate cars would be able to turn in the space available, so it is likely they would need to exit in reverse gear. The angle between the two proposed spaces would restrict the space available to do this. In addition, cars sometimes park in the turning head and along the Close because not all dwellings have off-street parking.
12. In these circumstances, reversing cars would at times have restricted sightlines with a likelihood of conflicts between vehicles as cars enter and exit the appeal site. This would also be hazardous to other road users, particularly children and other more vulnerable pedestrians. The fact that other residents reverse off their driveways into the narrow Close would add to the level of risk.
13. Furthermore, I am not aware of the number of bedrooms in the host dwelling, so cannot be certain whether the residual parking proposed for No 8 would be sufficient to prevent additional on-street parking.
14. For the above reasons, I conclude the proposal would have a harmful effect on highway safety, with particular reference to parking and access. This is contrary to MLP Policies T1, T2 and H9, which resist proposals where the access is detrimental to the safety of vehicle occupants, cyclists and pedestrians and only permit backland development when there is acceptable vehicular access; and Policy T13. It is also contrary to Framework paragraph 115, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

15. I note the appeal scheme is a resubmission following a previous refused application and I appreciate the appellant has attempted to overcome concerns previously raised by the Council. However, the amendments would still result in a proposal that would harm the character and appearance of the surrounding area and highway safety for the reasons I have outlined.
16. 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 boost the supply of housing – including on small sites – and support economic growth. However, given the modest scale of the proposal I ascribe limited weight to these benefits.
17. The Framework's support for optimising site potential and efficient use of land is not at the expense of good design that is sympathetic to the surrounding built environment, or of highway safety.
18. The Council has raised no concern in relation to trees, living conditions of future occupiers, or the effect of the proposal on the living conditions of neighbouring occupiers. On the evidence before me, I see no reason to disagree. However, an absence of harm in these respects is a neutral factor. Energy efficiency and wheelchair accessibility are requirements of other regulatory regimes, so do not weigh in favour of the proposal.
19. The site is within the Zone of Influence of at least one designated European site. However, as I am dismissing this appeal for other reasons it has not been necessary for me to address this matter further.

Planning Balance

20. For the reasons set out above, the proposal would conflict with MLP Policies BNE1, H9, T1, T2 and T13. While there may be a degree of support from other development plan policies, I conclude the proposal conflicts with the development plan, read as a whole.
21. The Council acknowledges it is unable to demonstrate a five-year supply of deliverable housing land. In these circumstances, paragraph 11d)(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.
22. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, these harms would affect the character and appearance of the surrounding area and highway safety, to which I attribute considerable weight. The weight of these harms would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework as a whole.

Conclusion

23. 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