



Appeal Decision

Site visit made on 8 October 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/A2280/W/24/3338349

34 Thorndale Close, Horsted, Chatham, Medway ME5 9SW

- 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 Mrs Weston against the decision of Medway Council.
 - The application Ref is MC/23/2401.
 - The development proposed is new dwelling adjoining No 34 Thorndale Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. On the same date, the Secretary of State made a Written Ministerial Statement entitled 'Building the homes we need'. Both parties have had the opportunity to comment on any implications for the appeal and I have taken comments received into account.

Main Issue

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

Reasons

4. Thorndale Close is a cul-de-sac comprising two contrasting styles of dwelling. Along the straighter section of the road are a succession of modest semi-detached bungalows along a consistent frontage, all of similar proportions and design. Beyond those are several detached two storey houses grouped around branching cul-de-sacs, in a more spacious layout, with a leafy backdrop.
5. There are bungalows of similar proportions in other nearby streets, making those a typical feature of the area and not visually discordant. While there is a variety of dwelling styles in the wider area, within the particular context of Thorndale Close the appeal site occupies a transitional position, where the consistent pattern of bungalows gives way to a similarly consistent pattern of detached houses in a more spacious layout. It is also in a visually prominent position, at the end of the straighter section of road, sitting forward of the adjacent bungalow.
6. The proposed dwelling would have neither the modest proportions and consistent design of the bungalows nor the spacious plot which is more typical of the detached houses. Although the extent of the front and rear gardens would not be untypical, the width of the subdivided plot would not allow for an

appropriate level of lateral separation. The smaller proportions of the proposed dwelling and its shallower pitched roof would contrast awkwardly with the donor dwelling. Both dwellings would appear cramped as a result of the very limited space between them.

7. Although planning permission has been granted for an extension of similar proportions, that would be better integrated with the existing dwelling, and would not introduce a separate building and subdivided plot. Therefore, in contrast to the appeal proposal, the character of detached housing in a spacious layout would be maintained. Similarly, while other homes in Thorndale Close have been extended, there is no indication that plots have been subdivided to create two separate buildings grouped tightly together.
8. Section 12 of the Framework prioritises good design alongside the creation of beautiful buildings and places. The concepts of beauty and good design encompass the relationship between buildings and their surrounding context, as well as matters of architectural detailing. In this case, the use of fenestration and roof form similar to those found on the existing dwelling would not compensate for the cramped and awkward relationship between the two buildings or the departure from the characteristic features of the street scene. Nor could the harmful aspects of the development be adequately mitigated through conditions relating to detailed matters such as the external materials and boundary fencing.
9. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy BNE1 of the Medway Local Plan 2003 (MLP) which requires amongst other things that the design of new development should be of satisfactory scale, proportion, layout and siting, as well as respecting the scale and location of surrounding buildings. Although it would in principle accord with the support in Policy H4 of the MLP for redevelopment and infilling in existing residential areas, it would not meet the requirement for a clear improvement in the local environment. Nor would it comply with relevant paragraphs in the Framework, notably paragraph 135 which advocates development which is visually attractive as a result of good layout and adds to the overall quality of the area.

Other Matters

10. New housing has been approved on several nearby sites, in some cases following an appeal. However, based on the descriptions given, each case differed to a material extent from the appeal proposal. Ivy Street is described by an Inspector as including housing in tight knit rows, providing the context for additional terraced and infill housing of similar proportions. The dwelling at 18 St Paul's Close was described as matching and maintaining the style and character of the existing terrace, and the flats in Hoopers Place were concluded to relate well to similar blocks nearby. In each case, the proposed development was found to be appropriate to its context, in contrast to the appeal proposal.
11. Like the appeal site, the dwellings approved at 120 Essex Road were described by the Inspector as being in a transitional location between two storey housing and bungalows. However, they were also described as being set well back, with limited public views, unlike the appeal site's visually prominent position. At 2 Watson Avenue, the new dwelling benefits from adequate space along

both boundaries and from its relationship with the adjacent back garden on the corner, so does not look comparably cramped.

12. The Council acknowledges that it lacks a five year supply of housing land, as is also confirmed in appeal decision extracts which have been brought to my attention. While some of these are several years old, the evidence indicates that there remains a significant and protracted shortfall, regardless of how the contribution of as yet unoccupied new dwellings is assessed. Consequently, paragraph 11d in the Framework is applicable, as was acknowledged in the Council's Officer Report.
13. The proposal would deliver a single additional home, making more intensive use of a small, previously developed site in an urban area, with good access to services and facilities. To that extent, it would be consistent with the focus of the recent Written Ministerial Statement (WMS) on delivering homes in the 'right places'. However, the Framework's focus on bringing forward such sites is not at the expense of ensuring that all development is well designed. Furthermore, the changes to the Framework proposed alongside the WMS would, if introduced, continue to include a focus on good quality development.
14. There were several letters of support, which amongst other things highlight that the proposal would enable the applicant to build their own home, on land in family ownership. While I recognise that this would generously support a family in achieving a new home with garden, which they may otherwise be unable to afford, limited details have been provided. There is no indication that the dwelling would comprise affordable housing as defined in the Framework. Although it is described as a self-build home, no legal mechanism has been proposed to ensure that it is delivered in a form which would contribute to objectively assessed needs for such housing. Therefore, while I recognise the support expressed, it carries limited positive weight.
15. The Council has not alleged any harm to living conditions, either for future occupiers or neighbouring residents, and based on the evidence before me I have no reason to reach a different view. There would be suitable provision for outdoor amenity space, access, parking, refuse and biodiversity, and relevant water and energy efficiency requirements would be met.
16. Nevertheless, while the support from family and friends is recognised, the benefits remain inherently modest, given the small scale of the proposal. Conversely, the harm to the character and appearance of the area would endure in the long term. While the development plan is of some age and deemed to be out of date by virtue of the housing land supply position, Policies BNE1 and H4 are consistent with the Framework's provisions for providing well-designed development, which is visually attractive and adds to the overall quality of the area over the lifetime of the development. I have accordingly given the harmful aspects of the development significant weight, along with the conflict with the development plan.
17. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, as articulated in paragraph 11d of the Framework.

Conclusion

18. The proposed development would conflict with the development plan. No other material considerations, including the Framework's provisions with regard to housing land supply, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR