



Appeal Decision

Site visit made on 19 November 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/A2280/W/24/3342681

33 High Dewar Road, Rainham, Gillingham, Medway ME8 8DN

- 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 Gurdev Doklu against the decision of Medway Council.
 - The application Ref is MC/23/1874.
 - The development proposed is described as 'a 2 storey rear extension, 3 storey side extension, conversion of existing first floor 7 bed HMO, and loft conversion with dormer windows to create a total of 9 new residential flats, resubmission of application MC/22/2240'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a two storey building and yard within a residential area, in a prominent corner location on High Dewar Road and Solomon Road. Although there are some three storey buildings, two storey dwellings are predominant in the locality. The site and surrounding properties mostly have simple pitched, gable ended roofs which gives unity to the built form.
4. The proposal is to convert and extend the existing building to provide nine flats. Parts of it would be two storeys with roof extensions providing three levels of accommodation. A single storey entrance would be attached to a large three storey block with dormers, providing flats over four levels on the corner of High Dewar Road and Solomon Road.
5. The proposed development would be higher than the surrounding two storey properties with the corner block towering significantly above them. Although some parts of the structure would align with neighbouring dwellings, the tallest part of the building would project substantially forward of the adjacent two storey terrace on Solomon Road. I acknowledge that some corner sites can accommodate taller buildings and there are some examples of this in the Council's area. Nevertheless, due to the height and position of the proposed three storey block with dormers, the proposal would appear overly large, dominating this prominent corner plot.
6. The appeal scheme would include a mix of catslide, gable ended, pitched, hipped and crown roofs. These would vary in height due to the differing levels

of accommodation, the position of the entrance lobby and part of the High Dewar Road façade being set back from the existing building. The proposed assortment of roof shapes and heights would result in an overly complicated roofscape, incongruous with the simple roof forms in the locality.

7. Comparisons are made between the appeal scheme and a previous proposal for flats on the site approved by the Council in December 2022¹. Whilst the building footprint and design of the east wing would be similar, the approved scheme incorporates a two storey pitched gable ended roof with dormers facing High Dewar Road. On the Solomon Road façade, the previous proposal includes a catslide roof as an extension of the pitched roof. Thus, the approved scheme has a much lower corner height and simpler roof arrangement than the appeal proposal, and as such the two schemes are not comparable.
8. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy BNE1 of the Medway Local Plan 2003 where it requires development to respect the appearance and visual amenity of the surrounding area and have satisfactory scale and mass.

Other Matters

9. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions, refuse and cycle storage, highways, parking and energy efficiency. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.
10. The proposal would be likely to have a significant effect, either alone or in combination, on the North Kent Special Protection Areas and Ramsar sites due to its location within 6km of the protected sites. However, notwithstanding the contribution towards mitigation measures in the SAMMS², given my conclusion below there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Planning Balance and Conclusion

11. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the National Planning Policy Framework 2023 (the Framework). Past Housing Delivery Test results have created a need for the Council to produce action plans and apply a 20% buffer. The appellant states that there is uncertainty on when housing delivery will improve given that the Council's emerging Local Plan is at an early stage. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
12. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. The Framework seeks to boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would make a modest contribution of nine flats to the supply of housing, making better use

¹ Planning application ref: MC/22/2240 'the approved scheme/previous proposal'

² Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy July 2014

of previously developed land in an urban settlement with access to services and public transport. It would contribute towards Medway's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.

14. In contrast, the proposal would harm the character and appearance of the area. The Framework requires good design and development to be sympathetic to local character and visually attractive. It also states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Rather, due weight should be given to them, according to their degree of consistency with the Framework. Despite the age of the MLP, Policy BNE1 is consistent with the Framework, and I have concluded that the proposal would conflict with this policy. Therefore, this matter carries significant weight against the scheme.
15. Consequently, the adverse impact I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
16. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR