



Appeal Decisions

Site visit made on 16 January 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal A Ref: APP/A2280/W/24/3347189

Land Adjacent 286 Castle Road, Chatham, Medway ME4 5JA

- 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 D Pennington of Fairfield C&G Ltd against the decision of Medway Council.
 - The application Ref is MC/24/0633.
 - The development proposed is described on the application form as the erection of one bed, two person house.
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Appeal B Ref: APP/A2280/W/24/3347190

Land Adjacent 286 Castle Road, Chatham, Medway ME4 5JA

- 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 D Pennington of Fairfield C&G Ltd against the decision of Medway Council.
 - The application Ref is MC/23/2385.
 - The development proposed is described on the application form as the erection of one bed, two person house.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have used the Council's site address in both appeals as this more accurately describes the location of the appeal site.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether a satisfactory standard of accommodation would be provided for future occupiers, with particular regard to outdoor amenity space.

Reasons

Standard of accommodation

5. Policy BNE2 of the Medway Local Plan (LP, 2003) sets out that all development should secure the amenities of its future occupants, and protect those amenities enjoyed by nearby and adjacent properties. This policy does not make specific

reference to outdoor amenity space. However, the decision notice also refers to paragraph 135f of the National Planning Policy Framework (the Framework). This paragraph sets out that planning decisions should, amongst other things, create places which promote health and well-being, with a high standard of amenity. The preliminary paragraphs also refer to the National Design Guide (NDG, 2021). The NDG sets out that all private external spaces should be fit-for-purpose, be of high quality, convenient and function well. They should also have a reasonable degree of privacy and should respond to local character.

6. While I have not been provided with substantive evidence of any specific minimum requirements for outdoor amenity space, such as a copy of any adopted guidance, the Council refers to a 7m deep garden being appropriate in constrained sites. However, the proposed garden would be atypical in shape and would measure only 1.5m at its narrowest point, also needing to accommodate cycle and bin storage. Irrespective of the precise measurements, the proposed amenity space would be cramped, positioned in an awkward, exposed point where Castle Road meets Magpie Hall Road. The appellant's reference to meeting standards for flats is noted. However, as acknowledged by the appellant, the proposed development is for a two-storey house, not a flat, and includes internal circulation space. That children may not live at the property does not sufficiently justify the standard of accommodation proposed.
7. Moreover, despite fencing, the prominent position of the appeal site together with the change in levels between Castle Road and Magpie Hall Road means that the space would likely be overlooked by passing pedestrians and some vehicles, with little privacy offered to its users. I appreciate that some smaller, more urban gardens exist within the wider area. However, the vast majority of properties, including along Castle Road, benefit from reasonably large, useable and private rear gardens. This is markedly different from the appeal scheme.
8. The Council's second reason for refusal also relates to the effect of the proposed development on the occupiers of the existing property. However, the appellant confirms that none of the flats within the existing building have access to the area subject to this appeal. I have no reason to disagree with those findings. Accordingly, there would be no harm in this respect.
9. Overall, I conclude that the proposed development, under both appeals, would provide a poor standard of outdoor amenity space. The proposed development would therefore be contrary to the relevant provisions of LP Policy BNE2 and paragraph 135 of the Framework which, in summary, seek to ensure that suitably high standards of amenity are provided, and that development promotes health and well-being.

Character and appearance

10. The appeal site comprises a parcel of land containing No 286 Castle Road and an undeveloped plot. The site is positioned at the junction of Castle Road with Magpie Hall Road. Properties within Castle Road are generally of a similar age, style and appearance, with some alterations and extensions having taken place over time.
11. The proposed development, under both appeals, would consist of a two-storey dwelling. In both cases, the proposed development features some design cues from existing properties within the street, including the use of similar materials and window sizes. The building lines would also respect neighbouring plots.

12. Nevertheless, the double fronted and unusually stepped nature of the scheme under Appeal B would be at odds with the established character and pattern of development within Castle Road. It would form a stark and incongruous addition to Castle Road, positioned in a prominent position, harming the character and appearance of the surrounding area. The scheme under Appeal A has been designed to appear as two terraced houses, including a dummy doorway. In addition, the property would be stepped up in line with the change in levels, matching the pattern of development within the street.
13. Consequently, the proposed development under Appeal B would form a discordant feature, out of keeping with the character and appearance of the wider area. The scheme under Appeal A would be acceptable from a design perspective.
14. Overall, I conclude that although I have found harm in respect of Appeal B, the proposed development under Appeal A would be acceptable in this location and would not harm the character or appearance of the surrounding area. Appeal A would comply with the relevant provisions of LP Policies BNE1 and H4. These policies, in summary, seek to ensure an appropriately high standard of design quality in development. This is in a similar vein to the provisions of the Arches Chatham Neighbourhood Plan, which seeks high quality design in development.

Other Matters

15. I accept the appellant's comment that the existing building on the appeal site is out of character with the wider street in its detailed design. However, this does not mean that any development should automatically be accepted, particularly where harm has been identified. Ultimately, this matter would not lead me to an alternative conclusion under either appeal.
16. In respect of the Thames Estuary and Marshes and the Medway Estuary and Marshes Special Protection Areas, I note the appellant's inclusion of confirmation of payment towards mitigation measures. I also note that the Council has confirmed acceptance of this. Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent must make an appropriate assessment of the implications of the plan or project for that site. Given my reasoning in respect of the main issues and that the appeal is dismissed, there is no requirement upon me in that regard. Even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. Appeals A and B are dismissed.

A Price

INSPECTOR