



Appeal Decision

Site visit made on 4 December 2024

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/A2280/W/24/3342706

Car Parking, Glanville Road ME7 4DL

- 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 D Foulds of H&D Properties against the decision of Medway Council.
 - The application Ref is MC/23/2707.
 - The development proposed is erection of one single storey bungalow with associated private garden, car parking space, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of existing occupiers with particular regard to outlook and any overbearing effect on 9 Napier Road, and
 - the quality of living conditions for future occupiers with particular regard to outdoor space.

Reasons

Character and Appearance

3. The surrounding area, including Napier Road, is characterised by a traditional residential layout with mainly terraced houses fronting the street with reasonably long, narrow rear gardens. Glanville Road is characterised by a uniform row of terraced houses which front directly on the street with gardens to the rear on one side. On the other side are rear gardens and single storey garages. Overall, this results in a regular pattern of development and a pleasant sense of openness behind the frontage buildings and these features make a positive contribution to the character and appearance of the area.
4. The appeal site is a parcel of land that was previously a car parking area for the flats at 9 Napier Road, accessed via a vehicle entrance on Glanville Road. Whilst the height and detailing of the built form at 9 Napier Road differs from the surrounding properties, it nonetheless follows the prevailing pattern of development, with a building fronting the street and open space to the rear. It makes a positive contribution to the character and appearance of the area in these respects.

5. The proposed development would introduce a bungalow to this open land. It would be single storey with a mainly flat roof, and its layout would concentrate built form along the side boundaries with the garden space through the centre of the site. Access would be from Glanville Road.
6. The appeal scheme would introduce a significant amount of built development to this open plot. The proposed layout, with development up to the boundaries, would accentuate the scale of the development proposed. It would harmfully erode the sense of openness to this site and the spaciousness to the rear of the street fronting properties, and would unacceptably undermine the pattern of development in this area.
7. The proposed building would not be highly visible from Napier Road, although from Glanville Road the domestic parking and entrance would be perceived. Furthermore, the dwelling would be highly visible from the surrounding properties. As such this harm would be experienced.
8. Therefore, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policies H4, H9 and BNE1 of the Medway Local Plan (2003) (LP). Together these require that built development including backland development is appropriate to the character and appearance of the area, and that infilling in residential areas must provide a clear improvement to the local environment, amongst other things.

Living Conditions of existing occupiers

9. The rear of 9 Napier Road has windows to the flats at ground-second floor, mainly located on the northern side of this elevation. The plans also show an area of outdoor space 4m deep to the rear of the building. At the time of my site visit this was separated from the appeal site by a low wall.
10. The appeal scheme proposes a flat roofed single storey structure along the majority of the boundary with no. 9, with a fence in the central part. This would adjoin the boundary of the open space, approximately 4m from the ground floor windows. The appeal scheme proposes changes to site levels so the proposed building would be at a similar level to no. 9.
11. As a result of the proposed development, the direct outlook from the ground floor windows would therefore be towards a reasonably tall, blank wall or solid fence in close proximity. This would be an unacceptably limited outlook for these existing occupiers. For the same reasons, this would result in the appeal scheme having a harmfully overbearing effect on these occupiers as well as the other users of the rear garden area.
12. There is a front garden at No 9 which is adjacent to and highly visible from the public highway. There are also public parks in the local area. However, these would not provide comparable alternative private outdoor space for these occupiers.
13. Therefore, the proposed development would have a harmful effect on the living conditions of existing occupiers. Consequently, it would be contrary to policies H9 and BNE2 of the LP. Together, these seek to protect the amenities of nearby properties and the area, in part.

Living conditions of future occupiers

14. The proposed garden would be in two parts, an area to the north of the glazed link and an area to the south. The parcel to the north would be screened from the flats at 9 Napier Road by a fence. This would prevent views from the ground floor windows, although there would be direct views from the first and second floors in very close proximity.
15. The parcel to the rear would be screened by the glazed link which runs across the site. Whilst views from no. 9 would still be possible, they would be more distant and, taking into account the screening, would not be dissimilar to views from first floors between adjoining gardens in the surrounding area. As such this part of the garden would be suitably private.
16. The rear part of the garden would be a private, enclosed garden space behind a gated entrance to the site and would include a pond and a pathway to the front door. A pond is not at odds with a function of a garden as a landscaped space and I see no reason that the whole area should be a flat, grassed or hard landscaped space. Therefore, even for this three bedroom dwelling, the proposed development would provide suitable and functional outdoor garden space.
17. Consequently, the proposed house would have suitable outdoor space for future occupiers. As such it would be in accordance with policies H9 and BNE2 of the LP. Together these seek to secure adequate amenity for future occupiers and require adequate private amenity space for backland development,
18. Policy H4 mainly relates to the principle of housing in the urban areas, therefore the policies set out above are more relevant to this main issue.

Other Matters

19. The Council cannot demonstrate a five year supply of deliverable housing sites. The appellant states that there is a 3.4 year supply and I am not provided with detail to dispute this. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
20. The appeal site is in a built up area, and the development proposes a use of land that would meet the need for homes. This would therefore result in the social and economic benefits associated with the provision of a single new home in an accessible location. The proposed development would therefore direct development to a sustainable location and support the Government's aims to boost the supply of homes. Nevertheless, taking into account the scale of the development, this results in important but no more than moderate benefits.
21. The proposed development would provide acceptable living conditions for future occupiers. However, the lack of harm in this regard is a neutral factor which does not weigh in favour of the development.

22. On the other hand, for the reasons set out above the proposed development would result in harm to the character and appearance of the area and would not secure a well designed place. Furthermore, taking into account the desirability of maintaining this area's prevailing character and setting and the importance of securing well designed, attractive places, this would not be an efficient use of land. Additionally, it would be harmful to the living conditions of existing occupiers which would not result in a high standard of amenity for existing users. Consequently, the proposal would not safeguard and improve the environment and ensure safe and healthy living conditions and would not be an effective use of land nor would it secure well-designed places.
23. As such, even considering the housing land supply position, the harms identified above would result in substantial adverse effects which would significantly and demonstrably outweigh the modest benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies. Therefore, the presumption in favour of sustainable development would not apply in this case.

North Kent Marshes SPA/Ramsar Sites

24. The North Kent Marshes SPA/Ramsar Sites are habitats sites that have a high level of protection. They are designated due to the presence over-wintering birds. The Council has determined that, without any mitigation in place, in combination with other plans and projects there would be a significant effect on the interest features of the sites from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

H Miles

INSPECTOR