



Appeal Decision

Site visit made on 23 April 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/A2280/W/24/3353436

1 Gladstone Road, Chatham, Medway ME4 6DY

- 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 Ilyas Mohammed against the decision of Medway Council.
 - The application Ref is MC/24/1471.
 - The development proposed is described as 'demolition of an existing garage for the construction of a 2bedroom 3person residential dwelling and a new drop curb application for allocated parking bays for the new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised, and the 2023 Housing Delivery Test results were published in December 2024. As these could affect the matters in this case, the parties were invited to make further comments. My decision reflects the latest versions of these documents, and the responses received on them.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on road user safety, with particular regard to the proposed parking arrangements;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal and external space; and
 - the effect of the proposed development on the living conditions of the occupiers of 3 Gladstone Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a detached dwelling in a residential area where terraced properties predominate. The house faces Gladstone Road and lies on the corner of Purbeck Road, where nearby dwellings follow a somewhat uniform building line. Similar to many other corner properties close by, the gap between the house and the dwellings behind, albeit partly occupied by a garage, creates a

sense of spaciousness alongside the road within an otherwise dense grain of development. Thus, whilst the house and plot shape differ from those prevailing locally, the site layout assimilates with the surrounding development pattern.

5. The proposal is for a two storey dwelling to the rear of the existing house, facing Purbeck Road. Its design, scale, height and materials would reflect other buildings nearby. However, due to its location set back from the adjacent terraced properties and its different angle to the street, the proposed structure would fail to reflect the relatively consistent building line along this part of Purbeck Road.
6. Further, the proposed two storey building would occupy much of the gap between the host dwelling and 2 Purbeck Road. Therefore, although the new structure would replace an existing large garage, due to its position and size the proposed dwelling would appear as a cramped and incongruous addition, harmfully eroding the space provided by this corner plot. This would be at odds with the prevailing pattern of development in the vicinity, particularly evident in views along Purbeck Road and at its junction with Gladstone Road.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies BNE1 and H4 of the Medway Local Plan 2003 (MLP) where they require development to be appropriate to the character of the built environment, including in terms of layout and siting, and seek infilling in residential areas to improve the local environment.

Road user safety

8. The appeal site is accessed from Purbeck Road, with a garage and driveway providing parking for the occupiers of the existing house. There are no parking restrictions on the two-way streets close by. Whilst only a snapshot in time, at my daytime site visit, there was little available space for parking on nearby roads. Due to the narrowness of the streets, some only had vehicles parked on one side whilst on other roads cars were partly parked on footways resulting in only limited space for pedestrians.
9. Policy T13 expects proposals to make vehicle parking provision in accordance with the adopted standard. The Council's residential parking standards require the provision of at least three spaces to serve the existing and proposed dwellings.
10. The existing driveway would be removed, and the plans indicate two new parking spaces to be shared by occupiers of the existing and proposed houses. However, parking spaces must be 4.8m long and with lengths of around 3.5m and 3.8m, the proposed parking spaces would be too short to accommodate most vehicles without blocking a significant amount of the adjacent footway on Purbeck Road. Therefore, the proposal would not meet the Council's parking requirements.
11. No parking survey has been submitted and therefore the appellant has not demonstrated that there is sufficient on-street parking capacity to accommodate the shortfall in parking provision. Thus, I cannot be certain that the proposal would not lead to an unacceptable increase in demand for limited on-street parking spaces on nearby roads causing cars to be parked inappropriately, including further parking on narrow footways. This would exacerbate obstructions to traffic and pedestrians, particularly those with young children, pushchairs and disabilities, harming highway and pedestrian safety.

12. Therefore, I conclude that the proposed development would harm road user safety, with particular regard to the proposed parking arrangements. This would conflict with Policies BNE2, T1 and T13 of the LP. Together these require the design of development to have regard to traffic generation, not significantly add to the risk of road traffic accidents and make provision for vehicle parking, amongst other things.

Living conditions – future occupiers

13. The nationally described space standard (NDSS) sets out a minimum gross internal floor area for a three person two storey two bedroom dwelling of 70sqm, less than the 77sqm required by the Council's standards¹. The NDSS also indicates that a double room should have a minimum floor area of 11.5sqm, compared to 12sqm in the Council's standards.
14. The proposed dwelling would have a floor area of around 60.4sqm, with the double bedroom measuring 10sqm, significantly below the minimum requirements in the NDSS and the Council's standards. The hallway and landing in the proposed house would avoid a tandem layout and there would be sufficient natural light and ventilation to the habitable rooms. Nevertheless, due to its small floor area, the new dwelling would provide insufficient living space for three residents and there would be inadequate room to accommodate enough bedroom furniture for two people in the double bedroom.
15. The Council's standards also normally expect private gardens to be 10m long but where space is constrained a reduced standard of 7m will be acceptable. The proposed rear garden would be around 6m long and at least the same width as the proposed house. Due to its west facing aspect and elevated position relative to the adjacent house at 3 Gladstone Road (No 3), much of the outdoor space would receive afternoon and evening sun. Whilst the proposed rear garden would be slightly below the minimum standards, given its shape, size and aspect together with the small size of the new house, the proposal would provide an acceptable amount of outdoor space for future residents in this case.
16. Whilst adequate external space would be provided, I conclude that the proposal would create unacceptable living conditions for future occupiers with regard to the provision of internal space. This would be contrary to Policy BNE2 of the LP where it seeks to secure the amenities of future occupants of development.
17. Policy H4 sets out the types of residential development which will be permitted in urban areas. As this does not directly link to the harm identified, I find no specific conflict with Policy H4 in reaching my conclusion on this matter.

Living conditions – neighbouring occupiers

18. The appeal site adjoins No 3 which only has a small, narrow rear outdoor space. Much of this has a lean-to roof cover above, with a large shed occupying most of the area between the lean-to and the appeal site.
19. The rear upper floor bedroom window in the proposed dwelling would directly face the area behind the house at No 3. However, as most of the neighbouring rear space is either screened by the lean-to or occupied by an outbuilding, the appeal scheme would not result in unacceptable overlooking of the rear garden at No 3.

¹ Medway Housing Standards (interim) Adopted November 2011 'the Council's standards'

20. Consequently, I conclude that the proposed development would not harm the living conditions of the occupiers of 3 Gladstone Road, with particular regard to privacy. It would comply with Policy BNE2 of the LP where it seeks to protect the amenities enjoyed by adjacent properties having regard to privacy, amongst other things.

Other Matters

21. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development, bin and bike storage, carbon reduction and water 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.
22. The proposal would be likely to have a significant effect, either alone or in combination with other projects, on the North Kent Marshes Special Protection Areas and Ramsar sites due to its location within 6km of the protected sites. However, notwithstanding the agreement and payment 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

23. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework and that past housing delivery has been less than the 75% housing requirement. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
24. 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, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
25. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. The scheme would make a modest contribution of one home to the supply of housing, on a site within an urban area close to facilities 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.
26. There would also be some social and economic benefits. However, given the relatively small scale of the proposal, these benefits would be limited.
27. In contrast, the proposal would significantly harm the character and appearance of the area and road user safety and provide unacceptable living conditions for future occupiers. This would conflict with the Framework where it recognises the importance of good design and requires developments to be sympathetic to local character, not have an unacceptable impact on highway safety and provide a high standard of amenity for future users. The proposal would also be contrary to Policies BNE1, BNE2, H4, T1 and T13 of the LP. Indeed, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

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

28. 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