
Appeal Decision

Site visit made on 7 April 2025

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2025

Appeal Ref: APP/A2280/W/25/3358687

Land at 140-142 Frindsbury Road, Strood, Rochester ME2 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Khadija Ait Ammi against the decision of The Medway Council.
 - The application Ref MC/24/1205, dated 6 June 2024, was refused by notice dated 22 August 2024.
 - The development proposed is described as the construction of a small block of 2 x 1-bedroom flats with private amenity, refuse and bicycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the area
 - The effects of the proposal on the living conditions of neighbours and future residents

Reasons

Character and Appearance

3. The appeal site is an open rectangular plot of land which has a frontage onto Frindsbury Road (A228). The road contains a mixture of housing and the site is bounded to the west by Victorian terraced houses, the nearest being No 136, and mid-20th Century housing to the east, the nearest being No 146. The Victorian terrace is set directly at the back edge of the pavement and the later housing on the other side is set well back from the highway and has more space around it.
4. The proposed building would be of 2 storeys with a pitched roof and gables to each side, along with a rear projecting section which would have a lower gabled roof over. The proposed building would be set in from the eastern plot boundary by a small amount to allow pedestrian access. To the rear, there would also be small open areas which would provide modest amenity spaces for each flat.

5. Notwithstanding these open sections of the site, the proposed building would appear to fill almost the entirety of the plot, with very little space around it. I appreciate that the siting of the building would follow that of the earlier terraced houses to the west but it would be set considerably further forward than the later houses and the nearest house at No 146 to the east. The existing open site acts as a transition between the terrace which is sited at the rear edge of the pavement, and the later housing set further back. The proposal would represent a prominent addition to the street-scene here and its flank elevation and forward position would appear in sharp contrast to the set-back position of No 146. Due to its much closer proximity than the existing terraced houses, I consider that the proposal would be considerably out of place and would appear at odds with No 146 in this respect. Whilst I appreciate that efforts have been made to provide a design more in keeping with the adjacent houses (when compared to the appeal scheme Ref; APP/A2280/W/20/3261666), I consider that the proposal would still have an unacceptable effect on its surrounding, contrary to Policy BNE1 of the Medway Local Plan 2003 (LP).

Living Conditions

6. The Council raises concerns in relation to the effects on the residents of the nearest property to the rear of the site in Peckham Close and also to the living conditions of future residents of the ground floor flat due to the outlook from within the flat.
7. The proposed bedroom of the ground floor flat would face onto a small and narrow section of garden, onto a boundary about 1.8m away. As the sole bedroom for this property, I consider that such an outlook would be unreasonably restricted and would impose an undue restriction on the enjoyment of the property. In this respect, the proposal would be in conflict with Policy BNE2 of the LP.
8. In relation to the dwelling at Peckham Close, the Council considers that the proposed ground floor kitchen window/door will afford unreasonable overlooking of the garden area at No 1 Peckham Close. The proposed kitchen window would be set back from the main rear elevation and would face onto the flank wall of No 1 Peckham Close. There would also be the fence separating to 2 properties. Even with the levels difference, I consider that the view in this direction would be restricted and it would not be possible to look over the main garden area of No 1 Peckham Close. Therefore, I find no unreasonable effects in this respect. I have also considered any other possible effects in relation to overlooking but consider that, within such a sub-urban situation as this, the proposal would not give rise to unreasonable effects on privacy.

Other Matters

9. The appellant indicates that the proposal would provide new homes within a sustainable urban location and I accept this. I have also considered all other matters set out by the appellant but consider that the proposal conflicts with the provisions of the Local Plan when taken as a whole and would conflict with paragraph 135 of the National Planning Policy Framework.
10. The appellant indicates that the Council has been unable to ensure a supply sufficient homes and the proposal would make a contribution to supply. In

such circumstances the Framework states that the policies which are most important for determining the appeal are out of date and so paragraph 11(d) applies. I have identified considerable harm to the character and appearance of the area and some harm to the living conditions of future residents of the ground floor flat. As a result, I consider that the proposal would give rise to harm which significantly and demonstrably outweighs the benefits of the scheme, when assessed against the policies of the Framework. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR