



Appeal Decision

Site visit made on 16 September 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2025

Appeal Ref: APP/V2255/W/25/3360939

2 Parsonage Chase, Minster-on-Sea, Kent ME12 3JL

- 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 D Vine against the decision of Swale Borough Council.
 - The application Ref is 24/501360/FULL.
 - The development proposed is the demolition of existing outbuildings. Erection of 2no. detached 2 bedroom bungalows with associated car parking, driveway and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. The appeal site comprises a single storey detached dwelling which sits within a large plot that has several sizable outbuildings within the rear garden. It is located within a residential area that comprises a mix of one and two storey dwellings. While there is not a uniform building line, properties in the vicinity of the appeal site are generally set back from the site frontage and there appears to be a reasonable amount of space about the dwellings. This all contributes to a pleasing appearance that positively adds to the character of the street.
4. The proposal would, by virtue of removing the frontage garage, open up views into the rear part of the site. The new access arrangements would be evident as would the southernmost dwelling, being positioned directly adjacent to the new access. Parsonage Chase is not characterised by sub-divided or backland plots nor extensive views into the rear of existing gardens. In this respect the proposal would not be reflective of the predominant layout and prevailing linear pattern of development in the immediate area.
5. The proposed houses would be single storey and have pitched roofs. Their design and appearance would not be out of keeping with the area per se, but the southernmost dwelling would be a highly conspicuous built form. Alongside this, the gardens for the proposed dwellings and the area that would remain for the existing dwelling would be uncharacteristically small when compared to other

gardens within the street scene in which the proposal would be viewed. I note that the appellant does not directly dispute the Council's contention that although the rear gardens would be usable, they fall below the required depth for such properties.

6. Together with the access and parking arrangements, the above would all contribute to the appearance of a visually cramped development, noticeably at odds with the surrounding area. The discordant effect of all this would be evident from, and on, Parsonage Chase.
7. The existing property has a number of outbuildings in the rear garden which are behind the frontage dwelling and garage. Some of these outbuildings are quite large and sit to the back of the garden. Collectively they have a greater footprint than the proposed houses. They do therefore add some depth to the built form in the vicinity. However, these are ancillary to their host building which, in terms of how they form the character of the area, are fundamentally different to two new dwellings which would have their own access, gardens and parking.
8. There is not a blanket policy restriction on back garden development and I note that the proposed dwellings would accord with the Nationally Described Space Standards and provide sufficient on site parking. However, good quality design should not all be about the mathematics and there is a requirement for development to also have appropriate regard to the local character. In this case I have not found the proposal to be of an overall design that would ensure an appropriate contextual relationship with the prevailing character.
9. For the reasons given, I conclude that the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policies CP3, CP4 and DM14 of the Swale Borough Local Plan 2017 (SBLP) which seek to ensure that, amongst other things, developments are of a design, appearance and detail that is sympathetic and appropriate to its surroundings and location.

Living Conditions – Noise and Disturbance

10. The concerns raised on this main issue relate mainly to increased comings and goings from the proposed dwellings, which would be sited to the rear of the host building and alongside the rear gardens of neighbouring properties.
11. The proposed dwellings each would have two bedrooms. It is therefore not unreasonable to think that each set of occupants may have two cars making daily trips to and from the site. This is likely to be a significant increase compared to the level of activity that the existing single dwelling at No. 2 generates, even allowing for the existing frontage garage permitting access through to the rear part of the site.
12. Due to the location of the access, vehicles would pass close to the rear garden and side elevation of No.6 Parsonage Chase. Although the overall number of vehicle movements from two dwellings would not be substantial, and most movements are likely to be concentrated within short periods in the morning and evening, they would nevertheless be a source of noise that would cause disturbance. For No. 6, I find that the proximity of the access together with the position of car parking adjacent to their rear garden would combine to exacerbate

the impact on these neighbouring occupants, particularly if occurring at unsociable hours.

13. Reference is also made to noise and disturbance to existing residents from the occupants of the proposed dwellings entering and leaving the new houses. I accept that such activity may be visible and audible, particularly given the compact layout, but it would generally amount to typical low-level residential movements and actions which are characteristic of the area. As such, I do not find additional harm in this respect.
14. However, for the reasons set out, I conclude that the proposal would lead to harmful levels of noise and disturbance for neighbouring occupants at No.6, contrary to the aims of Policies CP4 and DM14 of the SBLP with respect to enriching the existing environment and protecting the amenity of other sensitive uses.

Other Matters

15. Neither of the main parties explicitly states that the Council is unable to demonstrate a five-year supply of deliverable housing land but the officer report on which the Council rely, refers to Paragraph 11 of the Framework, indicating that local policies were deemed to be out of date and that a balance needed to be undertaken. In such a context, this adds weight to the provision of two additional houses, particularly within an established built-up area.
16. The site would be within the zone of influence of at least one Special Protection Area (SPA), which is designated under European legislation for its sensitive habitat and accommodating migratory birds. Although there is some inconsistency between the Officer Report, reason for refusal, appropriate assessment and appeal statement as to exactly which SPA or SPAs would be affected, but there is no dispute between the main parties that likely significant effects upon a protected area would arise, either alone or in combination with other plans or projects. In acknowledgement of this, the appellant has provided a unilateral undertaking (UU) that seeks to provide the mitigation necessary to avoid the scheme affecting the integrity of the SPA(s). The cover sheet of the UU is dated but the undertaking itself is not. I return to the matter of the UU below.
17. The appeal submission was said to be accompanied by a small sites metric to demonstrate the site's Biodiversity Net Gain (BNG) albeit the document as submitted did not show the details. A Biodiversity Gain Plan form, which is usually a requirement of the statutory, post-decision condition was also submitted. It indicated that the gains would be through hedgerow planting but I have not been provided with further details. I have some doubts as to whether the submissions would be sufficient to meet the statutory requirements. However, even if they were to show the development compliant in terms of biodiversity net gain, they would represent only a small benefit given the scale and nature of the proposal.
18. There are various matters such as parking, daylight/sunlight, internal space standards on which the proposal complies with policy requirements. These represent an absence of harm and so do not weigh positively in favour of the scheme.
19. I note that there was some local support for the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in

any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

20. The Council is concerned that if this scheme were permitted it would be difficult for them to resist similar proposals in the area. However, each proposal must be considered on its individual merits. Consequently, I have not taken these particular concerns into account in my decision.

Planning Balance

21. The provision of new housing would be aligned with the objectives of the Framework to boost the supply of homes to meet people's living needs. This is particularly important in an area which is not providing a sufficient supply of housing to meet national policies.
22. The site is within the built-up area of Minster and is said to be close to services and facilities as well as there being access to bus services. Smaller sites can make an important contribution to supply and be built out relatively quickly. The proposal would also have economic benefits both during construction and upon occupation and there may also be some social benefits alongside them. I also give some limited weight to the claimed BNG. As a whole, the proposal has a number of benefits that collectively carry considerable positive weight.
23. Conversely, the proposal would cause harm to the character and appearance of the area and the living conditions of neighbours. The need to avoid such harms is perennial and in direct compliance with the Framework. Indeed, there is nothing in the Framework which indicates that the provision of housing should be at the expense of the character and appearance of an area or the living conditions of residents. Accordingly, I ascribe substantial weight to the harms arising from the development.
24. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and this indicates permission should not be granted.
25. Had I been minded to grant planning permission, it would have been necessary for me to undertake an Appropriate Assessment for the proposal. This would have been essential in order for me to be able to conclude that the integrity of the SPA was protected from adverse effects. However, as I am dismissing the appeal for other reasons there is no need for me to undertake the Appropriate Assessment or consider the matter of the UU further.

Conclusion

26. I have found that the appeal proposal conflicts with the development plan when taken as a whole. While there are some benefits associated with the scheme, neither they nor any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing in the local area, outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR