



Appeal Decision

Site visit made on 15 October 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/A2280/W/25/3369142

Land Adjacent To Highway House, 193 New Road, Chatham, Medway ME4 4QA

- 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 Konuralp of Konuralp Investments Ltd against the decision of Medway Council.
 - The application Ref is MC/24/1867.
 - The development proposed is construction of new block of three flats with associated refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address is taken from the decision notice and appeal form as these accurately and clearly describe the site location.
3. Amended plans which include a set-back entrance, raised cill height to the front ground floor window, removal of windows on the flank elevation and the introduction of a green roof with solar PV panels were submitted during the appeal process. These changes are minor in nature. Furthermore, the Council has responded to these documents during the appeal process. For the reasons above, and in the circumstances of this case, the parties would not be prejudiced if I were to consider these documents, and I have taken them into account in this decision.
4. Adjacent to the site is the Union Place site which includes the vacant former Buzz Bingo and Union Place Car Park. This site is allocated for residential mixed use development with an indicative capacity of 100-250 dwellings per hectare and height of 6 storeys in the Arches Chatham Neighbourhood Plan (2024) (NP). It also forms part of Masterplanning Area 3 in the Chatham Centre Design Code (2024) (CCDC) which also includes the redevelopment of this site with Urban Avenues type built form and pedestrian links from New Road to the High Street. There is an outline planning application for the Union Place site for a mixed use development of up to 8 storeys and 231 residential units. However, based on the appeal submissions, a decision has not yet been made, reserved matters are not agreed and development has not started. Taking all the above into account, whilst it is likely that redevelopment of this site will occur in the future, based on the evidence before me I am not satisfied that it will be in the form proposed in the outline application. I have taken this into account in my decision.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and the quality of living conditions of future occupiers.

Reasons

Character and appearance

6. The site is an open, vacant piece of land, surrounded by fencing. It is bordered on one side by the Union Place site and on the other by Highway House, a two storey residential building with basement accommodation. The frontage of the building is mainly rendered panels with some brick elements.
7. The proposed development would directly adjoin Highway House. Although it would be a functionally separate block, nevertheless its physical proximity and attachment means that these buildings would be seen together. The proposed building would be the same height but would be entirely in brick with features including brick banding, pattern bond, brick piers, arched brick lintels and stone cills.
8. The proposed size and position of the windows would not correspond with those on Highway House and the brick banding does not appear to reflect any of the horizontal features on the neighbouring building. The design code suggests the use of brick and ornamentation. However, the materials and detailing in the form proposed would not relate well to the surrounding context, taking into account the immediate proximity of the existing building. Consequently, it would result in a harmful contrast and an unacceptably visually jarring appearance.
9. The revised scheme includes a set back where the property adjoins Highway House and therefore it would not create a lengthily unbroken plot or building line. It is set back from the pavement edge by 1.7m, and less than 40% of the front facade would be glazed. Also, the floor to ceiling height at ground floor would be around 2.4m tall. The CCDC does not clearly demarcate this site for 6 storey development, and in this case the 2 storey plus basement height is appropriate to the character of the adjoining buildings. The development would accord with the requirements of the design code in these regards. The building would have a flat roof with PV panels. The quantity and layout of these panels could be secured by condition to increase their number, and the remaining space as green roof would have an appropriate effect on upper level viewing corridors. As such, I do not identify harm in these regards.
10. The CCDC seeks pedestrian movement between the High Street and New Road, and there is an existing link on the Eastern side of Highway House. In the vicinity of the site the CCDC indicates one link through the Union Place site, and a second link past Spotlites Theatre to the High Street via multiple plots. It also seeks a maximum 50m-100m between public routes. The appeal submissions also show that the current Union Place scheme does not have a direct route through, but does include a pathway around the perimeter of its site from the High Street which narrows to 1m at New Road where it adjoins the appeal site. In any case, and considering the lack of certainty that the Union Place development would be implemented as shown, the evidence before me does not satisfy me that there is a requirement for this scheme to provide a pedestrian footpath within the appeal site

boundary. Whilst the development would not therefore provide this benefit, it would not prejudice the aims of pedestrian movement and permeability.

11. The creation of high quality buildings and places is fundamental to what the planning process should achieve. Whilst I have found compliance with some areas of the CCDC, the absence of harm in these regards is a neutral factor and this does not overcome the prominent and public harm identified above.
12. Consequently, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to Policy BNE1 of the Medway Local Plan (2003) (LP) which requires appropriate design for built development.

Living Conditions

13. The bedroom to the lower ground floor flat would have a window set below pavement level, The cill height would be 0.9m above ground level and it would have a 2.4m floor to ceiling height in this room. The window would be 1.7m back from the pavement edge and there would be a fence along the boundary. Windows are not proposed on the western elevation and this would be the only window to the only bedroom in this one bedroom property.
14. The appellant states that the fence would be open, metal railings. Details could be secured by condition, however other fences along New Road are metal railings and I see no reason why similar detailing would not be appropriate here. As such, although there would be some minor obstruction to a 45 degree angle of view from the bedroom, any effect on outlook would be limited. These details of fencing could overcome the concerns relating to outlook. However, as set out in the evidence, this would give rise to other concerns of privacy. Due to the open railings, even with the set back proposed, those on the pavement could see directly through the fence with views into this room. I note the appellants intention to install curtains or blinds, however it would not be reasonable for occupants to have curtains closed permanently. Consequently, there would be unacceptable levels of privacy for future occupiers.
15. The proposed balconies are orientated north west. Furthermore, they would have roofs above. Taken together this would limit the light available to the private open spaces for the ground and first floor flats. Although the detail of the development of the adjoining site is uncertain, it is likely that future development would reduce the light available to these already gloomy spaces which are close to this shared boundary. There would therefore be poor quality private amenity space for future occupiers. The site is close to the Great Line Heritage Park. However, the use of public and private open space differs and the evidence before me does not satisfy me that access to a public park would be a suitable alternative to appropriate private amenity space in this case.
16. Consequently, the proposed development would provide unacceptable quality living conditions for future occupiers with particular regard to privacy and outdoor space. Therefore, it would be contrary to Policy H06 of the NP and Policy BNE2 of the LP which seeks to secure the amenity of future occupiers including with regard to privacy, light and high quality outdoor space.

Other Matters

17. A previously withdrawn application on this site received comments from Arches Chatham Neighbourhood Forum (ACNF) who objected due to lack of ornamentation, the use of inappropriate materials for windows and balustrades, and with what they deemed to be poor quality outdoor spaces. This withdrawn application is not before me. The appeal scheme was redesigned to seek to take into account these comments and ACNF recognises an improvement and have not objected to this application. I have taken these comments into consideration, however for the reasons set out above, the scheme that is before me now is nevertheless harmful.

Planning Balance

18. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the appellant states that as of March 2024 there is a 3.1 year supply. Furthermore, the latest Housing Delivery Test indicates that the delivery of housing was substantially below (72%) the housing requirement over the previous three years. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework 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.
19. The proposed three dwellings would be in a highly accessible location in an area where there is a shortfall in the delivery of housing and would provide the social and economic benefits of this new housing. Nevertheless, taking into account the scale of the development, these would be important, but modest benefits.
20. On the other hand, for the reasons set out above the appeal scheme would not be sympathetic to local character or add to the overall quality of the area and would not secure a well designed place nor would it make an effective use of land in this regard. Neither would the development provide a high standard of amenity for future users or a well-designed, attractive and healthy place. Taken together these multiple harms would be serious.
21. Therefore, these serious adverse effects 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. Consequently, the presumption in favour of sustainable development would not apply in this case.

Special Protection Areas (SPA) and Ramsar sites

22. North Kent Marshes SPA/Ramsar Sites are habitats sites that have a high level of protection. They are designated for their over wintering bird interest. The Council state that the application would result in increased recreational disturbance on these areas and without any mitigation in place, in combination with other plans and projects, there would be a likely significant effect on the interest features of the site from the proposed development. However, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

23. 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