
Appeal Decision

Site visit made on 4 November 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/A2280/W/25/3370016

111 Broadway, Gillingham ME8 6DP

- 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 N Nanda, Toyah Property Ventures Ltd against the decision of Medway Council.
 - The application Ref is MC/24/1793.
 - The development proposed is “proposed erection of a new dwelling”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is one of 2 appeals I am determining on sites very close to each other. The other appeal is at 119 Broadway, reference APP/A2280/W/25/3370019. Each proposal is for a single house and is submitted by the same appellant. There is a separate decision for each appeal and I have considered each on its individual merits.
3. The Council's first reason for refusal solely referenced a loss of trees, although the delegated report and appeal statement each reference the loss of the green area and the pattern of development. Given the discrepancy in the reason for refusal and the contents of the Council's evidence, the appellant was given the opportunity to provide further comments which I have taken into consideration.
4. A revised first floor plan has been submitted with the appeal to address the Council's second reason for refusal regarding the inadequate floorspace of a bedroom. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the revised drawing would not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents. The Council accept that the information submitted would overcome their second reason for refusal and I have therefore not included this as a main issue.
5. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issue

6. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

7. The appeal site comprises a grassed area of land adjacent to the dwelling at 111 Broadway. The proposed dwelling would be attached to 111 Broadway.
8. A series of residential cul-de-sacs runs from the north-west side of Broadway. Each cul-de-sac is formed of a central pedestrian path with dwellings fronting either side of the path. Garages are contained in a cluster to the rear of the dwellings, with vehicular access from Broadway. A strip of woodland separates the end of the Broadway cul-de-sacs from the Ito Way dual carriageway beyond. The land rises slightly towards the woodland strip, so it is highly visible as a backdrop to the residential character of Broadway.
9. Additionally, there is a series of grassed areas to the 2 southernmost cul-de-sacs with a footpath running adjacent and alongside the woodland strip. These border the woodland and provide a linked series of green spaces which support a variety of trees. Although this pattern of development with grassed areas to the end of the cul-de-sacs is not repeated in cul-de-sacs to the north of the appeal site, it nevertheless provides an open, tree lined area which positively contributes to the wooded and verdant character as a backdrop to the densely developed Broadway.
10. The proposal would result in the loss of 2 Silver Birch trees (T4 rated as category C and T8 rated as category B) and a group of conifers (G3 rated as category C). I note that another Silver Birch (T5 rated as category B) would be retained, although this would be very close to the proposed dwelling which would extend across part of its root protection area and beneath its canopy. As a consequence, I consider there would be pressure for future pruning or the removal of the tree due to its proximity to the dwelling.
11. Even though the trees are not protected by a Tree Preservation Order, they nevertheless contribute to the verdant character of the surrounding area. They are visible from the main vehicular route of Broadway, not just from the pedestrian cul-de-sac. The grassed area, whilst not in itself visible from the main street, nevertheless contributes to the more open nature of this part of Broadway, connecting with the other green spaces alongside the woodland strip. The loss of the trees and the grassed areas would harmfully erode the wooded and verdant setting to this part of Broadway and would be harmful to the character and appearance of the area. Whilst the line of trees to the central part of the pedestrian cul-de-sac would be retained, I consider this would have a neutral effect upon the character and appearance of the area and is not a matter which weighs in favour of the scheme.
12. By way of mitigation, the appellant proposes additional planting within the appeal site and to provide improved landscaping. Whilst there would be the potential to secure enhanced landscaping through the use of conditions, any future tree planting would take several years to mature to a point where it would contribute to the character of the area to the same degree as the existing trees. Additionally, the appellant states that they own the area bordering Ito Way which could accommodate additional planting. This area already accommodates mixed woodland, and there is limited evidence before me

that there would be the opportunity to enhance this sufficiently to overcome the harm arising from the loss of the trees and grassed areas.

13. There is little substantive evidence before me that the appeal site has been poorly maintained such that it detracts from the character of the area.
14. I acknowledge the proposed house would align with the height and mass of the other dwellings along this part of Broadway. The proposed materials including the use of brick and casement windows would also match surrounding properties. Nevertheless, this would not overcome the harm I have identified.
15. In conclusion on this main issue therefore, the proposal would be contrary to Policies BNE1, BNE43 and H4 of the Medway Local Plan 2003. Taken together and amongst other things, they require development to respect the visual amenity of the area, retain trees and other landscape features that provide a valuable contribution to local character, and allow infilling within residential areas providing that a clear improvement in the local environment would result.

Other Matters

16. The Council is satisfied that the proposal would not result in an unacceptable increase in pressure on the availability of on-street parking in the area. I have no compelling evidence before me which would lead me to reach a different conclusion. The Council also indicate that the proposal would be acceptable with regards to the principle of development, the standard of accommodation, its effect on the living conditions of neighbouring occupiers. These matters weigh neither for nor against the scheme in the planning balance.
17. I note the appeal site is within the zone of influence of the North Kent Marshes Special Protection Area and Ramsar site. As I am dismissing the appeal, I shall not pursue this matter further because it would not lead me to a different conclusion.

Planning Balance

18. Set against the harm identified, the proposal would deliver a single new dwelling which would provide a good standard of accommodation in line with the standards set out in the development plan. It would support the Government's aim of significantly boosting the supply of homes. However, the addition of a single home would provide a limited contribution in this context and I attach limited weight to this benefit. There would also be some modest economic benefits arising from construction employment and subsequently from new residents using local services. Whilst potential benefits could be secured by condition including a landscaping scheme and ecological enhancements, I attach limited weight to this as it would primarily form mitigation for the loss of trees. The proposal would also be subject to the statutory Biodiversity Net Gain condition, which would provide a moderate benefit.
19. The Council's 2023 Housing Delivery Test result stands at 72%, indicating that the delivery of housing was substantially below the requirement over the previous three years. In these circumstances paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for 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. As described above, the benefits associated with the additional dwelling would be relatively limited even taking into account the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply position. The Framework states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
21. The harm I have identified to the character and appearance of the area through the loss of trees and green space would significantly and demonstrably outweigh the benefits of the proposal 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.

Conclusion

22. 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, the appeal should be dismissed.

L Francis

INSPECTOR