



The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2018

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th June 2018

Appeal Ref: APP/V2255/W/18/3193228

27 Hilton Close, Faversham ME13 8NN

- 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 Mr Ian Fuller against the decision of Swale Borough Council.
 - The application Ref 17/504040/FULL, dated 10 August 2017, was refused by notice dated 6 November 2017.
 - The development proposed is erection of a detached dwelling with associated parking on land adjacent to 27 Hilton Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and highway safety, with particular regard to parking.

Reasons

Character and Appearance

3. The development would involve the construction of a two bedroom, detached house within the side garden of 27 Hilton Close (No 27). The development would include the removal of the front boundary wall and the shrubbery in the verge adjoining the highway.
4. Hilton Close is a fairly recent residential cul-de-sac, with a quite intense layout, with there being little space between and in front of the eight houses between Nos 15 to 27. However, soft landscaping in gardens and verges relieves the intensity of built development within Hilton Close and that landscaping contributes to the streetscene. Views of the trees that atop the embankment between Hilton Close and Finch Close also assist in softening the appearance of the built development in Hilton Close.
5. I consider No 27's side garden and the adjoining verge are important, and purposefully planned, components of the relieving soft landscaping in this part of Hilton Close. The mature roadside shrubbery would largely be removed and while the house would occupy around a third of the plot's width I consider this development would nevertheless amount to a significant hardening of the site's appearance. The siting of the house would also to a degree reduce the views of the embankment trees. I consider those aspects of the development

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would be detrimental to the streetscene. The harmful nature of the development would be accentuated because the house would be sited close to the pronounced bend in the road, albeit that the houses between Nos 15 to 27 would provide some screening of the development from the south.

6. Although the plot for the house would be quite small and this development would not have a spacious appearance, those aspects of the development would be consistent with the layout and intensity of Nos 15 to 25. While I consider there to be nothing objectionable about the house's design, with it being very similar to that of Nos 15 to 25, that aspect of the development would not address the loss of an important area of relieving space and soft landscaping in the streetscene.
7. For the reasons given above I conclude that the development would unacceptably harm the character and appearance of the area. I therefore consider that the development would be in conflict with Policies CP4 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan of 2017 (the Local Plan) and paragraph 58 of the National Planning Policy Framework (the Framework). That is because the development would not contribute to the area's quality, character and distinctiveness, with its siting being unsympathetic of its location.
8. The sixth reason for refusal states that the development would be harmful to the 'Local Green Space' (LGS), designated under Policy DM18 of the Local Plan. Paragraph 7.5.8 of the Local Plan explains that, in line with paragraphs 76 and 77 of the Framework, LGS have been designated '... to protect them from development and ensure their retention for enjoyment by the local community ...' for '... their recreational value and tranquillity, heritage and biodiversity value'. The LGS designation relates to the tree lined embankment/former quarry side that encircles Finch Close and includes part of No 27's garden. However in the Council's committee report it is stated that No 27's garden was included in the LGS because it was 'erroneously' treated as being publically owned land. The committee report goes on to state that the site's garden land status '... should not be seen as part of any Local Green Space, and that Policy DM18 should be given little weight in this case'.
9. Having seen the treed embankment from Finch Close I consider it is clearly distinguishable from No 27's domesticated garden. I therefore consider that while there is conflict with Policy DM18, very limited weight should be attached to that conflict for the purposes of the determination of this appeal. That is because No 27's garden, in practice, does not function like the rest of the designated LGS.

Highway Safety

10. One on-site parking space would be provided as part of the development and that level of parking would accord with the parking standards applied by the Council. While there might be scope for this development to generate some on-street parking, any such parking would be modest given the limited scale of this development. While any on-street parking associated with this development would be close to a bend in the road and the play area opposite Nos 21 to 27, I saw that vehicle speeds are low, given Hilton Close's sinuous layout and the presence of some traffic calming. I am therefore not persuaded that any on-street parking arising from this development would be detrimental to highway safety.

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11. I conclude that the development would not be harmful to highway safety and that in this regard there would be no conflict with Policies DM7 and DM14 of the Local Plan because the level of on-site parking would be adequate.

Other Matters

12. I recognise in transportation terms this would be an accessible location for a dwelling and that there would be some social and economic benefits arising from the provision of a house. However, given the scale of the development its social and economic benefits would be very limited and I find those benefits to be outweighed by the harm to the character and appearance of the area that I have identified.

Conclusion

13. Although I have found that the development would not be detrimental to highway safety, I consider that it would cause unacceptable harm to the character and appearance of the area. That is harm that could not be overcome by the imposition of reasonable planning conditions.
14. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR