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## Appeal Decision

Site visit made on 16 August 2016

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 20 September 2016**

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**Appeal Ref: APP/V2255/W/16/3150836**

**Glenlodge, Queenborough Drive, Minster, Kent ME12 2JN**

- 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 Dean Flannery against the decision of Swale Borough Council.
  - The application Ref 15/505601/FULL, dated 15 July 2015, was refused by notice dated 9 December 2015.
  - The development proposed is the demolition of existing dwelling. Erection of three detached dwellings with integral double garage and new access.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of three detached dwellings with integral double garage and new access at Glenlodge, Queenborough Drive, Minster, Kent ME12 2JN in accordance with the terms of the application, Ref 15/505601/FULL, dated 15 July 2015, and the plans submitted with it, subject to the conditions set out in the Schedule to this decision.

### Preliminary Matters

2. The appellant has put forward an additional plan, reference 1374/1. The plan shows existing and proposed site sections and the separation distance to No 31 Glenwood Drive and has been produced to inform the appeal process. This information does not change the proposal and, as such, the plan would not, in my view, prejudice the interests of third parties. For this reason I have had regard to this plan.

### Main Issue

3. The main issue in this case is the effect upon the living conditions of the adjoining occupiers of No 31 Glenwood Drive, particularly in respect of outlook.

### Reasons

4. The appeal site is located within a residential area. I observed that properties on the north side of Queenborough Drive are sited in an elevated position relative to the public highway and No 31 Glenwood Drive opposite is sited at a lower level. No 31 fronts onto the highway at a right angle to Queenborough Drive and its rear private garden runs parallel to Queenborough Drive.
5. Although the proposed dwellings would be larger in overall footprint, height and

bulk to that of the existing dwelling on site, as well as that of the properties to

the east of the appeal site, the new dwellings would be set behind reasonably sized front gardens, on much the same building line as those dwellings to the east. Between the appeal site and No 31 is the public highway. The position of the proposed dwellings would have an elevated siting to the public highway and, whilst No 31 would be situated at a lower level to that of the proposed development, there would be a reasonable offset between respective developments. Moreover, the main aspects of No 31 appear to be to the front and rear rather than facing the appeal site. This separation would, in my opinion, safeguard against the proposed development being intrusive upon the adjoining occupiers living conditions.

6. Overall on this issue, I consider that the proposed dwellings would not be harmful to the living conditions of the occupiers of No 31 Glenwood Drive, despite being reasonably large and positioned at an elevated siting. The proposal broadly accords with Policies E1 and H2 of the Swale Borough Local Plan which expect all development proposals to be both well sited and be of a scale, design and appearance that is appropriate to the location and that cause no demonstrable harm to residential amenity, amongst other matters.

### **Other Matters**

7. Although some local residents have concerns regarding increased on-street parking and traffic as a result of the development, I am satisfied that the increased parking provision would be adequate to serve the proposal and highway safety would not be materially compromised. I have also had regard to other matters raised including the amount of development proposed and how this would appear within the street scene, alongside potential overlooking, amongst other matters. Again I am satisfied that the character and appearance of the area and the living conditions of adjoining occupiers would not be materially compromised.

### **Conditions**

8. I have had regard to the planning conditions that have been requested by the Council. Those relating to materials and hard and soft landscaping are appropriate in the interests of the character and appearance of the area. Given the residential character of the area, it is appropriate that controls are placed upon hours of demolition and construction alongside measures to suppress dust. A condition setting a time limit for the commencement of development is necessary in the interests of proper planning. For the avoidance of doubt and in the interests of proper planning it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. I agree that a condition relating to pedestrian visibility splays is necessary to ensure that sight lines are secured and maintained for continued highway safety. I also agree that a condition relating to the provision of off-street parking, garaging and turning is required, and, for any entrance gates to be recessed for the same reason. I consider a condition relating to sustainable construction techniques to be reasonable and consistent with the Government's move toward a low carbon future.
9. I do not, however, find it necessary to regulate construction related traffic or the deposit of mud or similar material on the public highway. The access surfacing can be controlled by the imposition of Condition 4. I do not agree that a condition restricting additional openings on the south facing elevation to

be necessary as there would be no further effect upon the living conditions of adjoining occupiers.

### **Conclusions**

10. For the reasons given above, I conclude that the appeal should be allowed.

*Nicola Davies*

INSPECTOR

## **SCHEDULE**

### **CONDIITONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 2293/1C, 2293/3C, 2293/5 and 2293/6.
- 3) No development shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall commence until a scheme of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees, shrubs and hedgerows on the land, planting schedules of plants, means of enclosure, hard surfacing materials, and an implementation programme. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing by the local planning authority.
- 5) Upon completion of the approved landscaping scheme, any trees or plants that, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 6) Demolition and construction works shall take place only between 07:30 to 19:00 hours on Monday to Friday and 07:30 to 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development shall take place until a scheme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the local planning authority. The measures shall be employed throughout the period of demolition and construction.

- 8) No dwelling shall be occupied until the vehicle parking, turning area and garages has been laid out in accordance with the approved plans and thereafter shall be kept available at all times for those purposes.
- 9) No dwelling shall be occupied until pedestrian visibility splays of 2 metres x 2 metres at either side of the vehicle accesses behind the carriageway edge have been put in place and no structure or obstruction exceeding 0.6 metres in height above the carriageway level shall be placed within the pedestrian visibility splays. The visibility splays shall thereafter be maintained as such.
- 10) Any entrance gates erected shall be set back a minimum distance of 5.5 metres from the carriageway edge and shall be hung to open away from the highway. The entrance gates shall thereafter be maintained as such.
- 11) No development shall take place until details have been submitted to the local planning authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques, such as, water conservation and recycling, renewable energy production, including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. The details shall be incorporated into the development as approved.