



Appeal Decision

Site visit made on 4 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 26th October 2016

Appeal Ref: APP/V2255/W/16/3154385

6 Sheerstone, Iwade, Kent ME9 8RN

- 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 Kelly McCarthy of Whitby Building Solutions Ltd against the decision of Swale Borough Council.
 - The application Ref 15/508144/FULL, dated 1 October 2015, was refused by notice dated 8 June 2016.
 - The development proposed is the erection of a linked 3 bedroom dwellinghouse with private garden and associated landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a linked 3 bedroom dwellinghouse with private garden and associated landscaping at 6 Sheerstone, Iwade, Kent ME9 8RN in accordance with the terms of the application, Ref 15/508144/FULL, dated 1 October 2015, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. The application was amended during the course of the Council's consideration of the application. I have considered this appeal on the basis of the revised plans referenced 2516-15-PL001 Revision P8 and 2516-15-PL002 Revision P7.

Main Issue

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

Reasons

4. The street scene in this part of Sheerstone and Ferry Road is characterised by a mix of two-storey detached, semi-detached and terraced properties. Although the properties adjacent to the appeal site have a similarity in form, appearance and siting in the plot, properties close by are of differing architectural styles with varied front building lines. A number of those properties that front onto the landscaped green island at the highway junction of Sheerstone, including the existing host dwelling, No.6, have larger side gardens than other properties in the area. Overall however, the existing development in the area is generally close knit.
-

Appeal Decision APP/V2255/W/16/3154385

5. The proposal would be positioned marginally forward of the front building line of the adjoining property, No.4. The development would have a similar appearance to that of No.6 to which it would be attached, and reflect its ridge, eaves, materials, and to some extent, its fenestration. The proposal would create the appearance of a terrace of properties, although at an angle to No.6. In view of the mixed nature of the development in the area, the proposal would not appear at odds with the existing varied street scene which includes a residential terrace close by. Whilst the development would reduce the space to the side of No.6, this openness does not significantly contribute to the character and appearance of the area. Nor would the resulting space between the new house and No.4 be out of keeping with the overall pattern of development in the locality.
6. Overall, I conclude that the proposed development would not harm the character and appearance of the area. The proposal complies with Policies E1, E19 and E24 of the Swale Borough Local Plan which seek development to be well sited and be of a scale, design and appearance appropriate to the location, amongst other matters.

Other Matters

7. I acknowledge the neighbouring occupier of 79 Springvale has raised concerns in respect of overlooking. The proposal would have a similar relationship to this property as existing neighbouring development has, and therefore I do not consider that the addition of one further dwelling would create overlooking that would be harmful to the occupiers of this property.
8. In reaching my decision, I have considered various concerns raised by interested parties. In respect of parking provision, the proposal has been amended during the course of the application and would allow for three parking spaces within the appeal site. The Council considers that the parking situation would be no worse as a result of the development and I agree with this view. I have also taken into account property values, other development in the area, inconvenience, and potential damage to water pipes running under the appeal site. However these matters do not lead me to a different overall conclusion.

Conditions

9. I have considered the planning conditions suggested by the Council in light of the tests in paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit conditions and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
10. Conditions relating to materials and hard and soft landscaping are appropriate in the interests of the character and appearance of the area. The hard and soft landscaping condition is fundamental to the acceptability of the proposal and therefore is necessary to be agreed before development takes place. I agree that a condition relating to parking and provision of the access is necessary to prevent inconvenience to road users and to ensure highway safety. This condition would ensure highway safety is not compromised following occupation of the development. I agree that a condition relating to construction work is necessary to ensure the protection of the living conditions of adjoining occupiers. I consider a condition relating to sustainable

Appeal Decision APP/V2255/W/16/3154385

construction techniques to be reasonable and consistent with the Government's move toward a low carbon future. Again, this condition is fundamental to the acceptability of the proposal and therefore is necessary to be agreed before development takes place.

11. I do not, however, find it necessary to regulate construction related traffic or the deposit of mud or similar material on the public highway as this would be out of proportion to the small scale of the proposed development. The Council considers that the removal of Class A or Class E permitted development rights to be appropriate. I refer to the advice in the Planning Practice Guidance which state that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider there to be exceptional circumstances here. Legislation pertaining to the diversion of the public sewers would have to be complied with to enable the development to be constructed, therefore I do not consider such a condition to be necessary.

Conclusions

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR

Appeal Decision APP/V2255/W/16/3154385

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 2516-15-PL001 Revision P8 and 2516-15-PL002 Revision P7.
- 3) The external surfaces of the development hereby permitted shall be constructed in materials that match those of the existing building, No.6 Sheerstone, Iwade.
- 4) No development shall commence until a scheme of both hard and soft landscaping and implementation programme have been submitted to and approved in writing by the local planning authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The landscaping scheme shall be implemented in the first planting season following the first occupation of the building or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species to those originally planted.
- 5) Prior to the occupation of the dwelling hereby permitted the area shown on the submitted plan as vehicle parking and the access thereto, shall be completed in accordance with the approved plans and thereafter shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) or not, shall be carried out on the land or parking spaces indicated or in such a position as to preclude vehicular access to the land or parking spaces.
- 6) Construction works shall take place only between 07:30 to 19:00 on Mondays to Fridays and 07:30 to 13:00 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 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.