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## Appeal Decision

Site visit made on 28 February 2017

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

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

**Decision date: 29 March 2017**

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**Appeal Ref: APP/V2255/W/16/3165678**  
**2 Kings Road, Minster-on-Sea, ME12 2HL.**

- 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 E Batten against the decision of Swale Borough Council.
  - The application Ref 16/506453/FULL, dated 24 August 2016, was refused by notice dated 15 December 2016.
  - The development proposed is the demolition of existing bungalow and erection of 2, 3-bed houses with parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of 2, 3-bed houses with parking spaces at 2 Kings Road, Minster-on-Sea, ME12 2HL in accordance with the terms of the application, Ref 16/506453/FULL, dated 24 August 2016, subject to the conditions set out in the schedule to this decision.

### Preliminary Matters

2. It appears from the limited information before me that the application was refused by the Council's Planning Committee contrary to the advice of its professional officers. Other than the single reason for refusal cited on the Decision Notice, no further evidence has been submitted by the Council. I have therefore identified the main issue below solely from the Decision Notice.

### Main Issue

3. In light of the above, the main issue is the effect of the development upon the character and appearance of the area.

### Reasons

4. The appeal site is a rectangular plot of land located at the corner of Kings and Queens Roads. It is currently occupied by a diminutive bungalow addressing the former and set back from the latter. The proposal seeks to remove the bungalow and replace it with a single, two-storey building containing two, 3-bedroom houses fronting Queens Road.
  5. As the Council acknowledge, the surrounding area is characterised by dwellings of varying design, scale and age. Whilst not unattractive, the immediate area lacks distinctiveness and is not particularly sensitive in streetscape terms. The height, mass, footprint and detailing of the building would reflect those of other
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properties in the immediate area and I find nothing objectionable in that regard.

6. Unlike the existing bungalow, the building would be orientated towards Queens Road. It would adhere to the established building line and in my view, it would be a welcome addition to the street scene adding a new and distinct element to a prominent corner plot. There is nothing before me to suggest the level of outdoor amenity space provision or off-street car parking would be deficient.
7. The Council's Committee Report refers to the distance between the flank wall of the building and its immediate neighbour. However, this is a built-up area where dwellings tend to fill the width of their plots. It is not notable for consistent or generous spacing between dwellings. I accept the dwelling would be set forward of 4 Kings Road. However, this dwelling would be located some distance away beyond the northern site boundary. I am therefore satisfied that the relationship of the development to its immediate neighbours would be acceptable.
8. Based on the foregoing, I conclude that the development would not harm the character and appearance of the area. It would thus accord with Policies E1 and E19 of the "Swale Borough Local Plan 2008". Amongst other things, these seek high quality design that reflects the positive characteristics and features of a site and locality.

#### **Other Matters**

9. I have noted the concerns of local residents regarding the effect of the development on outlook, light, levels of on-street parking and traffic congestion. Most of these matters have already been carefully considered by the Council and whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to a different conclusion.

#### **Conditions**

10. The Officer's Committee Report contains 12 planning conditions. I have considered these against the advice in the "Planning Practice Guidance" (PPG). In some instances I have amended the conditions in the interests of brevity.
11. I have imposed the standard implementation condition as well as one to ensure that the development is carried out in accordance with the approved plans, as these provide certainty. A condition relating to external facing materials is necessary to ensure the satisfactory appearance of the development. A condition relating to the provision of the parking areas prior to occupation is necessary to ensure the development does not result in obstructive parking around the Kings/Queens Road junction. A separate condition relating to the access is unnecessary in light of the aforementioned.
12. As the development involves the demolition of the existing bungalow I have imposed a condition relating to the suppression of dust in addition to a restriction on construction hours. These are necessary to protect the amenity of local residents. Finally, I have imposed a condition to ensure any windows above ground floor level in the western elevation are fitted with obscure glazing to protect the privacy of neighbouring occupiers.
13. The locality is not notable for an abundance of landscaping and the submitted plan shows the retention of the existing hedge. As such and in the absence of

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a reasoned justification from the Council, I do not consider that a landscaping condition is necessary to make the development acceptable. I have therefore omitted the Council's conditions 5-7 accordingly.

14. Finally, I have carefully considered the Council's suggested condition relating to sustainable construction techniques. Whilst laudable there is no detailed justification before me. The Written Ministerial Statement of 25 March 2015 (the WMS) sets out provision for applying optional Building Regulations (the new national technical standards) in respect of water efficiency and for tighter energy performance standards than those otherwise required by the Building Regulations. The WMS states that where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy, a standard consistent with the WMS policy, concerning energy performance. The Council has not directed me to a relevant development plan policy and therefore I cannot be sure the condition would meet the advice in the WMS. I have omitted it accordingly.

#### **Conclusion**

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

*D. M. Young*

Inspector

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#### **SCHEDULE OF CONDITIONS**

- 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 following approved plans: 16-16-11, 16-16-12 and 16-16-13.
- 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Construction works shall take place only between 0730-1900 hours Monday to Friday and 0730-1300 hours on Saturday and not at any time on Sundays or on Bank or Public Holidays.
- 5) The commencement of the development shall not take place until a programme 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 approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.
- 6) The parking areas shown on the approved plan shall be provided, surfaced and drained prior to first occupation of either dwelling and shall be retained thereafter.
- 7) Any windows above ground floor level in the western flank elevation facing 6 Queens Road, shall be obscure glazed and remain obscure glazed thereafter.