



Appeal Decision

Site visit made on 12 December 2012

by Penelope Metcalfe BA(Hons) MSc DipUp DipDBE MRTPI IHBC

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

Decision date: 8 January 2013

Appeal Ref: APP/V2255/A/12/2181892
27 Hilton Close, Faversham, Kent, 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 and Mrs Roger Moore against the decision of Swale Borough Council.
 - The application Ref SW/11/1571, validated by the Council on 23 December 2011, was refused by notice dated 12 April 2012.
 - The development proposed is 3 bedroom detached dwelling to existing side garden - front Hilton Close, together with single garage and parking spaces.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue concerns the effect of the proposal on the character and appearance of the area and on the living conditions of local residents by reason of noise and disturbance.

Reasons

3. The appeal site is part of the side garden of 27 Hilton Close on a bend in the road at the end of a row of modern two storey brick built houses sited almost directly on the edge of the road. The rear garden boundaries of these houses are on the edge of a sheer cliff which is part of a former lime works and quarry, now redeveloped for housing.
 4. Policies E1 and E19 of the Swale Borough Local Plan 2008 (the local plan) require development, among other things, to respond to the positive characteristics of the site and the locality and to achieve a high quality of design appropriate to the local context. The National Planning Policy Framework (the Framework) encourages sustainable development, including new housing in built up areas, but balances against this the need to create a high quality built environment.
 5. The principle of residential development is acceptable in terms of local and national planning policy. I consider that the proposed design reflects that of many of the houses in the area, although the asymmetrical side element appears somewhat awkward in the local context.
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6. On the other hand, I consider that the site is too small and awkwardly shaped to accommodate a dwelling of the size proposed without appearing somewhat cramped and compromising the quality of the area. Although there are no significant trees, the site provides a small, but valuable break and green space in an area which otherwise is closely built up, apart from the small children's playground nearby. It appears in contrast to the hard edge of the adjacent houses and so contributes to the open character of this corner of the street and allows for views of the large mature trees on the edge of the cliff to the rear of the site.
7. The dwelling would be sited close to the road in order to maximise the distance from the cliff edge and the area available for private garden. It would fill a large proportion of the width of the site, with much of the remainder being occupied by part of the relocated and set back garage. The existing vegetation along the front boundary would necessarily be lost and there would be little scope for replacement planting. Although the siting reflects the general building line and hard landscaping of the houses on this side of the road, I find that this would further diminish the sense of openness.
8. I conclude that the proposal would harm the character and appearance of the street scene and that it is contrary to local plan policies E1 and E19 and the provisions of the Framework insofar as it is not appropriate in its scale and width in relation to the surroundings and would seem to be cramped in, resulting in an adverse impact on the green spacious nature of this part of the street.
9. Turning to the Council's second reason for refusal, I consider that construction works, by their very nature, have a short term impact and would not necessarily amount to a justifiable reason for refusal. However, the circumstances of this site, particularly the need to maintain the stability of the site and the cliff edge, are unusual. The application proposed a method of construction using a raft foundation. I note that the Council's Head of Service Delivery is of the opinion that this could be achieved with no adverse impact on the stability of the cliff face. On the other hand, this method would result in major disruption for local residents.
10. The Council determined the application on the basis of the proposal before them, including the raft foundation. In my judgement, it is reasonable for the Council to express the serious concerns regarding the impact on neighbouring residents. The appellant has clearly investigated alternative methods of construction and foundations and it seems to me that it might be possible to carry out the development with less disruption, were it acceptable in other respects. However, the information has been submitted since the application was determined, as part of the appeal. I can give it only very limited weight in favour of the appeal as I consider that these alternative methods should be subject to full consultation by the Council.
11. In conclusion, I find that the proposal is unacceptable in terms of its adverse impact on the character and appearance of the area, contrary to local and national policy. The proposed construction works would adversely affect the living conditions of neighbouring residents, which would be contrary to local plan policy E1. This would be temporary and would not necessarily, on its own,

be sufficient to warrant dismissing the appeal. However, it adds weight to my finding on the other main issue.

12. In determining this appeal I have given careful consideration to all matters raised and all representations made and none of them outweigh my findings on the impact of the proposal on the character and appearance of the area. For the reasons given above, I conclude that the appeal should not succeed.

PAG Metcalfe

INSPECTOR