



Appeal Decision

Site visit made on 23 October 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2018

Appeal Ref: APP/V2255/W/18/3199741
27 Volante Drive, Sittingbourne ME10 2JJ

- 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 Gray against the decision of Swale Borough Council.
 - The application Ref 17/504362/FULL, dated 15 August 2017, was refused by notice dated 30 November 2017.
 - The development proposed is erection of a two bed detached dwelling.
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Decision

1. The Appeal is dismissed.

Main Issues

2. The main issues in this case are:-
 - the effect of the development on the living conditions of future occupiers in respect of outdoor amenity space;
 - the effect of the development on the living conditions of neighbouring and future occupiers in respect of overlooking and privacy;
 - the effect of the development on the character and appearance of the area; and
 - whether adequate provision would be made for parking.

Reasons

Living Conditions of Future Occupiers

3. The appeal site is an area of landscaped green space to the side of No. 25 and to the front of No. 27 Volante Drive, also including the driveways to both. It is set on the back edge of the pavement within the curve created by the opening out of the road to form a turning head at the end of Volante Drive. In depth it reaches back to a line roughly equivalent to the rear elevation of No. 25, opening out slightly to the south east in front of No. 27. The appeal dwelling would sit next to No. 25, and forward from its front elevation, with its rear elevation reaching around the midpoint of that house.
 4. The figures put before me indicate that the garden space to be created at the rear would be between 4.5 m and 6 m in depth. There would also be a narrow strip running along the south-eastern edge of the site. No calculation of the overall area has been put before me.
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5. While the Council has put before me no specific standard regarding the amount of outdoor amenity space to be provided in new residential development, given its dimensions, it is apparent that the garden space provided would be relatively meagre. Once room had been provided for purposes such as bin storage, it would be likely to provide limited space to accommodate day to day needs such as recreation, drying clothes, sitting out, or play space for children.
6. The rear of the site is bounded by a high fence to the garden area of No. 10 Cardine Close, and, given its projecting location, the rest of the garden area would be highly likely to be bounded by high fencing in the interests of privacy. Thus the relatively small size combined with high boundary fences would be likely to create a space with a very pronounced sense of enclosure, which would further detract from its quality.
7. The appellant has supplied what is described as a garden layout as part of the appeal, but as little detail and no dimensions are included it does nothing to alter my conclusions on this matter. Consequently I conclude that the outdoor amenity space to be provided would be of an inadequate standard, and thus harmful to the living conditions of future occupiers of the dwelling to a degree which would be unacceptable.
8. Policy CP4 of Bearing Fruits 2031: the Swale Borough Local Plan 2017 (the LP), seeks development of a high quality design that is appropriate to its surroundings. The inadequacy of outdoor amenity space to be provided indicates that the appeal proposal is not adequately tailored to address the needs of future occupiers, and is not therefore of a high design quality which would meet the requirements of this policy. Policy DM14 of the LP seeks development which would cause not significant harm to amenity, and the development would be in conflict with this.

Living Conditions of Neighbouring and Future Occupiers

9. The appeal site would overlap the front garden area of No. 27, and the proposed dwelling would have rear facing windows at first floor to the principle bedroom. No. 27 has two small forward facing windows in the roof storey first floor.
10. Although the elevations of the two dwellings would not directly face each other, they would be separated by around 10.5 m. Given their siting, this relative proximity, and given that oblique views would be possible from all the upper floor windows, I conclude that there is a possibility of mutual overlooking between the upper floors, and a clear possibility of overlooking of the rear garden area and rear ground floor windows of the appeal dwelling, which would be harmful to the privacy of occupiers of both dwellings. No technical evidence has been put forward that would cause me to alter this conclusion.
11. While there is a degree of mutual overlooking arising from the siting of houses in the wider area, this is normally across roads, or across the depth of two rear garden areas. The distances involved are therefore larger, and thus less likely to cause a significant loss of privacy.
12. The requirement of policy CP4 of the LP for development of a high quality design that is appropriate to its surroundings would not be met by a development giving rise to harm to neighbouring and future occupiers. Policy DM14 of the LP seeks development which would cause not significant harm to amenity, and the development would be in conflict with this.

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Character and Appearance

13. The character and appearance of the area around the appeal site resides in the modern suburban housing in a loosely traditional idiom, including features such as brick masonry and pitched and gabled tiled roofs. The terrace of 19 to 25 Volante Drive derives visual interest from its stepped layout and articulation created by porches, garages and projecting eaves. The terrace of Nos. 27 to 33 is similarly articulated with a stepped front elevation and front roof slope, the latter featuring with small dormers and projecting eaves.
14. The design of the proposed dwelling is of a simple brick box with pitched roof with no eaves. The fenestration would be limited, with only two small windows on the front elevation. The southern flank would be a largely blank brick elevation with only a small window on the first floor. These factors combine to create a very plain appearance, unrelieved by detail, which in the context of the more expressive and articulated design of buildings in the vicinity, would therefore appear incongruous. The asymmetrical design of the front elevation, particularly, would be at odds with the regular rhythm of doors and windows seen in houses nearby.
15. The proposed dwelling would be set forward of the front building line of No. 25 and others in the terrace adjoining, and significantly in front of the front building line of nos. 27 – 33, on the corner created by the turning head. It would thus be conspicuous in views along Volante Drive, and this prominent location would emphasise the harm arising from its uncharacteristic design.
16. The development would therefore fail to comply with the requirements of policies CP4 and DM14 of the LP in respect of seeking a high quality of design which is appropriate to its surroundings.

Parking Provision

17. The Council applies Kent County Council vehicle parking standards set out in the Kent Design Review: Interim Guidance Note 3, 2008, to new development proposals. This recommends one off-street parking space for dwellings of one or two bedrooms in suburban areas. The new dwelling would have no off-street parking, while the development of the site would remove the drive and potentially the capability of off-street parking to number 27. There would as a result be a deficit of two parking spaces.
18. While Volante Drive is a relatively quiet cul-de-sac, there is pedestrian access into the adjacent primary school located at the far end of the turning head. Although there are no parking restrictions in the vicinity of the site, opportunities for on-street parking are significantly reduced by the numbers of front drives and crossovers, while stopping is not allowed outside the school access during peak school drop-off and pick-up hours.
19. At the time of my site visit, during a weekday morning, there was some on-street parking, but no evidence of significant congestion. However, I acknowledge that this was a snapshot only, and that the picture would be likely to be different at evenings and during weekends. Comments on the appeal provided by neighbouring occupiers suggest that there are some congestion problems in the vicinity, including in relation to dropping off/picking up at the school.

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20. Any parking congestion would therefore be likely to be increased by an increase in on-street parking arising from the lack of off-street spaces. This would add to inconvenience for other road users and pedestrians, including those accessing the school site.
21. Although the appellant has suggested that provision could be made for off-street parking to the front of No. 27 by condition, this area lies outside the red line area of the appeal site, and such a condition would not be directly related to the development and would not therefore meet the tests set out in paragraph 55 of the National Planning Policy Framework. The area to the front of the appeal dwelling would be limited in size, and no detailed evidence has been put before me that it could satisfactorily accommodate a parallel parking space. It is not therefore convincingly demonstrated that the deficit in off-street parking provision could be made up.
22. Consequently I conclude that the development would conflict with the intentions of policy DM7 of the LP, which seeks to ensure that adequate provision is made for vehicle parking for residential development, including through adherence to parking standards.

Other Matters

23. The appeal site is located 8 km from the Medway Estuary and Marshes Special Protection Area (SPA). There is thus potential for harm to arise from cumulative effects of individual, small scale developments in respect of this international designation, which relates to the protection of vulnerable bird species. The principle threat in relation to these is increased recreational pressure arising from new residential development, which might affect the ground nesting birds or cause disturbance during their breeding season, particular as a result of recreational visitors with dogs.
24. Had I considered the scheme acceptable in all other respects, I would have sought to explore the necessity for an Appropriate Assessment under the Habitat Regulations. As, however, I have concluded that the appeal should be dismissed for other reasons, it is not necessary to consider this matter in any further detail.

Planning Balance and Conclusion

25. The need for more housing is acknowledged as a pressing one in national planning policy, with an important role to be played by small and windfall sites in meeting this need. However, the contribution to the supply of housing to be made by the appeal development would be a very minor one, and would be a benefit to which I accord only minor weight.
26. Consequently, I conclude that no benefits would arise which would outweigh the harms I have identified above, and that, for the reasons given above, the appeal should be dismissed.

S J Buckingham

INSPECTOR