



Appeal Decision

Site visit made on 10 December 2020

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021.

Appeal Ref: APP/V2255/W/20/3271591

105 Bell Road, Sittingbourne ME10 4HG

- 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 Wood against the decision of Swale Borough Council.
 - The application Ref 10 June 2019 dated 10 June 2019, was refused by notice dated 27 November 2019.
 - The development proposed is proposed 3 bedroom detached dwelling following the demolition of existing shed and greenhouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were considered by the Council prior to the determination of the planning application which included reducing the number of bedrooms from four to three. I have therefore considered this appeal on the basis of the plans submitted: 1422-01, 1422-02, 1422-10B and 1422-11.
3. On the basis of the amended plans I consider that the Council's amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above rather than the appellants description of development.

Main Issues

4. The main issues in this appeal are the effect of the development on (i) the living conditions of the occupants of No. 2 Northwood Drive; (ii) highway safety and (iii) the Medway Estuary and Marshes Special Protection Area.

Reasons

Living Conditions

5. The proposed development is located adjacent residential properties, opposite a parade of commercial properties. The proposed development involves the subdividing of an existing residential plot.
6. The proposed dwelling is set back from Northwood Drive similar to the adjacent neighbouring properties on Northwood Drive the closest of which are situated on a sweeping corner of the Drive opposite the junction with Manwood Close.

Appeal Decision - [APP/V2255/W/20/3271591](#)

7. The site is screened by existing trees and vegetation some of which, including that along the boundary with No. 2 Northwood Drive would be removed from the site to accommodate the proposed development. Notwithstanding the loss of natural screening the proposed development is of a comparative scale to the built form of No. 2 which is located to the southeast.
8. The proposed development would be positioned on the plot with the rear of the building closer to the neighbouring property No. 2 than the front. Nonetheless the proposed development would sit comfortably in relation to the neighbouring property, would not be overbearing nor dominant. I also have no substantive evidence to persuade me that the location of the proposed development would overshadow No. 2.
9. The proposed plans detail a window serving a WC on the ground floor facing No. 2. A planning condition could be attached to control the installation and retention of obscure fixed glazing which would mitigate any overlooking. A first-floor window is also identified on the proposed east elevation however is not detailed on the proposed layout plan. I understand that this is an error on the plans and could be clarified through the imposition of a planning condition.
10. Proposed windows at the rear at ground floor will have limited outlook onto a boundary fence with screening from trees/vegetation beyond. There would be no loss of privacy to the occupiers of adjacent properties, in particular No. 2 Northwood Drive from these windows. I note that obscure glazing is proposed to the first-floor rear windows which face onto the garden areas of 107 Bell Road. A planning condition could be attached to control the installation and retention of obscure fixed glazing which would mitigate any overlooking.
11. I conclude that the proposed development would not harm the living conditions of the occupants of No. 2 Northwood Drive. There is no conflict with Policies CP4 and DM14 of the Bearing Fruits 2031, the Swale Borough Local Plan (2017) (the Local Plan) which amongst other things seek to secure good design which is well sited, of a scale, appearance, design and detail that is appropriate to its location without harm to amenity.

Highway Safety

12. The proposed development includes the provision of a dropped kerb and associated access from Northwood Drive to serve the proposed dwelling, a bus stop is within close proximity to the proposed access.
13. The speed limit on Northwood Drive is 30mph, however I noted that the speed of vehicles within the immediate area was low due to the amount of car parking and manoeuvring and also the proximity of the junction of Bell Road and Northwood Drive.
14. The proposed development is opposite a junction off Northwood Drive serving a service area including parking spaces for the commercial properties, parking spaces are also provided to the front of the commercial properties.
15. At the time of my site visit I noted that the road was congested with vehicles parking in the spaces to the front of the commercial parade and vehicles frequently parking along Northwood Drive also to access the commercial properties. I noted that there are on-street parking restrictions along parts of Northwood Drive, however whilst concerns have been raised by third parties

Appeal Decision - [APP/V2255/W/20/3271591](#)

with regard to illegal parking this should be managed and enforced by other channels, such as the police.

16. Two parking spaces are proposed within the proposed development site, this accords with the maximum vehicles parking standards within the Kent and Medway Structure Plan 2006, Mapping out the future Strategy and Planning, Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards (2006).
17. Notwithstanding the existing parking congestion in the area, I am satisfied that proposed development would provide adequate access and parking arrangement for the development itself. I have no substantive evidence before me which would persuade me that the proposed development would displace vehicles onto the highway network which would exacerbate the existing situation.
18. I understand that delivery and commercial vehicles access the service area located to the rear of the parade of commercial properties from the access point directly opposite the appeal site. Notwithstanding this I am not persuaded that the provision of a dropped kerb and associated driveway nor the potential for vehicles accessing/egressing from the proposed drive, which is similar to the parking area arrangements in front of the commercial parade, would inhibit the manoeuvrability of vehicles using the access opposite.
19. I conclude that the proposed development would not harm highway safety. There is no conflict with Policies CP4, DM6 and DM7 of the Local Plan which amongst other things seek to ensure that new developments do not create unacceptable highways impacts and provide suitable parking.

Effect on Special Protection Area

20. The appeal site is located within 6km of the Medway Estuary and Marshes Special Protection Area (SPA). The impact of recreational disturbance, potentially arising from additional residential development, is considered a key concern on the integrity of SPA sites.
21. In accordance with the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) a planning obligation providing a tariff based financial contribution would be necessary from the Appellant to mitigate against increased recreational activity from future residential occupiers. Without such mitigation measures the proposal would be contrary to the provisions of the Habitat Regulations and Directive due to its effect on the integrity of a European site.
22. I understand that a financial contribution to the SAMMS was agreed between parties during the determination of the application. Requests have been made to the Appellant to provide a mechanism to secure this contribution however no agreement has been provided. On this basis I conclude that the proposed development would not mitigate against increased recreational activity of the SPA from future residential occupiers, and would therefore harm the SPA.

Other matters

23. Third party concerns have been raised and include matters such as the effect of the development on other neighbouring properties i.e. 107 Bell Road, loss of trees, etc. The Council has considered the effect the proposed development in

Appeal Decision - [APP/V2255/W/20/3271591](#)

light of the issues raised. I have no substantive evidence before me to disagree with the Council's findings.

24. Reference has been made to the potential for the occupiers of neighbouring properties to experience some loss of property value. That is not a land use planning consideration and is therefore a matter that I cannot take into account.
25. The Appellant has outlined dissatisfaction with the way the application was handled by the Council referring to the Planning Committee. This does not affect my consideration of the appeal which I have dealt with it on its own merits.

Conclusion

26. I have found that the proposed development would not harm the living conditions of the occupants of No. 2 Northwood Drive; nor harm highway safety. Whilst the proposed development complies with most policies within the Local Plan the harm to the SPA I have identified would significantly outweigh the benefits of the proposal.
27. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR