



Appeal Decision

Site visit made on 24 June 2014

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 16 July 2014

Appeal Ref: APP/V2255/A/14/2216263

61 Park Drive, Sittingbourne, Kent ME10 1RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs D J Nutting against the decision of Swale Borough Council.
 - The application Ref SW/13/1020, dated 9 August 2013, was refused by notice dated 10 October 2013.
 - The development proposed is described on the application form as "proposed erection of 2 No. two storey 4 bedroom detached dwellings with attached garages on land at the side and to the rear of an existing detached dwelling, including shared private driveway".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with appearance and landscaping reserved for future consideration. Submitted plan ref. 3451/p03 rev: B shows the proposed layout of the two dwellings, including parking layout and site access. Whilst appearance is a reserved matter, the dwellings are indicated on the plan as two storeys in height.

Main Issue

3. The main issue in the appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site forms part of the garden of No 61 Park Drive. Park Drive is a suburban road characterised by large detached houses which generally fill the width of their plot, with long rear gardens. To the rear is King Georges Fields, a public park. The consistent building line of these dwellings makes a positive contribution to the character and appearance of the area.
 5. The outline proposal would involve the erection of two detached dwellings within the rear garden of No 61, and the construction of a shared private driveway between Nos 61 and 65 (there is no No 63). This would result in a pair of dwellings situated well behind the main building line. At least one of the dwellings would be visible at street level from Park Drive, and both would be seen from the upper floors of adjacent dwellings. I accept that the appeal site
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Appeal Decision APP/V2255/A/14/2216263

is unusually wide in relation to other plots in the street. However, during my site visit, I saw no other examples of dwellings set back further than the general building line of dwellings facing Park Drive. Such an arrangement would be an incongruous development that would be out of character with the prevailing pattern of development in the area.

6. The Swale Borough Local Plan (LP) does not have a specific policy regarding backland development, but LP Policy E1 states that development should reflect the positive characteristics of the site and its locality, and LP Policy E19 requires high quality design appropriate to its context, and which promotes and reinforces local distinctiveness. The development would undermine positive characteristics of the locality, including the consistent front building line and long rear gardens. Consequently the development would cause material harm to the character and appearance of the area. I do not consider that a landscaping scheme, submitted as a reserved matter, would overcome the harm identified.
7. The appellants have referred to other examples of development in the wider area in support of the appeal proposal. The properties at Borden Lane are a considerable distance from the appeal site and are therefore not considered to be relevant to this appeal. Chegworth Gardens and Blandford Gardens are cul-de-sacs located on the edge of King Georges Fields. The properties are a mix of bungalows and two storey dwellings, but they generally maintain a consistent building line. Cranbrook Drive, further from the appeal site, is a backland development, but the access road is adopted highway land, and the relationship with adjacent properties is different to the appeal site. The access is significantly wider, and includes a dedicated footway and substantial landscaping. I therefore consider these examples are not directly comparable to the proposal before me, and have afforded them limited weight in my decision.
8. There have also been concerns from neighbours that if the appeal was allowed it would set a precedent for similar development in other back gardens along this section of Park Drive, using the new access. The appellants have indicated that permission would not be granted to provide access to other rear gardens, but given that I have found the development would harm the character and appearance of the area, I consider the scope for other dwellings to develop their rear gardens in a similar manner would be limited. In any case, each scheme would be considered on its merits, with regard to the development plan and all other material considerations.
9. For all of the above reasons I conclude that the development would harm the character and appearance of the surrounding area. Thus it would conflict with the design objectives of LP policies E1 and E19. These policies are consistent with the National Planning Policy Framework (the Framework), which seeks to secure a high quality of design in all new development. As such the development would not constitute sustainable development as defined by the Framework.

Other Matters

10. The appellants have made the point that the Council is unable to demonstrate a five year supply of specific deliverable housing sites as required by the Framework. I do not have sufficient information before me in this regard, but in any case my decision does not turn on this matter.

Appeal Decision APP/V2255/A/14/2216263

11. The appellants also highlight the sustainability of the location within the urban area close to shops and services, but this does not outweigh the harm identified in relation to the main issue.
12. Adjacent neighbours at Nos 59 and 65 are concerned about potential loss of light to their rear gardens and overlooking from first floor windows in the proposed dwellings. The Council did not consider that there was any harm to the living conditions of the occupiers of neighbouring dwellings, and as they would be over 20 metres from the rear of Nos 59 and 65, I agree no harm would be demonstrated in this respect.
13. I am aware of other concerns relating to increased vehicular use and the consequent effect on highway safety, increased noise and disturbance, and the loss of biodiversity that may occur as a result of the development. However, based on the information before me, these matters would not constitute reasons to dismiss the appeal. As such they have not been decisive in leading to my overall conclusion.
14. Finally my attention has been drawn to a covenant that is purported to restrict development within the site. That may be the case, but this is a private legal matter between parties to the covenant and not a matter for this appeal.

Conclusion

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

Claire Victory

INSPECTOR