



Appeal Decision

Site visit made on 22 September 2015

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 06 November 2015

Appeal Ref: APP/V2255/W/15/3017914

10 Grovehurst Avenue, Kemsley, Sittingbourne, ME10 2RL

- 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 N Windeatt against the decision of Swale Borough Council.
 - The application Ref 14/500966/FULL, dated 23 June 2014, was refused by notice dated 21 January 2015.
 - The development proposed is the development of 2 x one bedroom flats with associated amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the development of 2 x one bedroom flats with associated amenity space at 10 Grovehurst Avenue, Kemsley, Sittingbourne, ME10 2RL, in accordance with the terms of the application, Ref 14/500966/FULL, dated 23 June 2014, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan, WI/14/120.01 rev A.
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) No development shall take place until the windows in the ground floor flank wall of No10 Grovehurst Avenue, Kemsley, Sittingbourne have been blocked-up in accordance with the approved plan, WI/14/120.01 rev A.
 - 5) Demolition or construction works shall not take place outside the hours of 07:30 to 19:00 on Mondays to Fridays and 07:30 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Main Issue

2. The main issue is whether the proposal would result in the loss of off-street parking and the effect of this together with the proposed development on the amenity of the area and highway safety.

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Reasons

3. The appeal site is a strip of land alongside a semi-detached house which is part of a formally laid out, symmetrical housing estate which features an open-plan front lawn arrangement integrated to the public realm with grass verges, open areas and footpaths. Parking is generally on-street or in parking courts.
4. I noted during my visit that the site has a hard-standing across it, and that the grass verge in front of the site has been removed for a dropped kerb and crossover which suggests it may have been used to park up to two cars. The proposed development would result in up to two existing, off-street parking spaces being displaced onto the street.
5. As regards the adequacy of the provision of off-street parking in the proposed development, the two flats would be one-bedroom, which suggests the development would not require parking for more than two cars. At the time of my site visit, which was on a weekday morning, I did not see any restrictions on parking on the highway in the vicinity of the site, and the occupancy of the street parking was significantly less than 50% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available and limited evidence of damage to grass verges, does not indicate a high degree of parking stress or overload in the locality.
6. The site is in a relatively sustainable location, close to Kemsley railway station, the community hall, the local shop, primary school and employment. The National Planning Policy Framework 2012¹ which has a core principle of making the fullest possible use of public transport, walking and cycling, advises that parking standards should take account of the type of the development and its accessibility. I also note the Written Ministerial Statement² to Parliament of 25 March 2015 (WMS) which states that local planning authorities should impose local parking standards only where there is clear and compelling justification that it is necessary to manage their local road network.
7. In saved policy T3 of the Swale Borough Local Plan 2008 (LP) the Council says it will only permit development if appropriate vehicle parking is provided in accordance with the Kent County Council parking standards. These standards, in referring to infill developments, state that regard needs to be had to the severity of concerns about safety and amenity before recommendations of refusal are made in respect of numerically inadequate parking. They advise that unless demonstrable harm is likely to be caused, it may be inappropriate to make such recommendations.
8. From my visit to the site and the surrounding streets, I do not consider that the displaced parking spaces and parking spaces for the new dwellings in the proposal would result in a material shortage of off-street parking provision, or unsustainable pressure on the existing on-street parking in the area. Nor has it been demonstrated that there would be a harmful effect on highway safety as a result of the additional, on-street parking.
9. As regards the amenity of the area and mud tracking onto the road, I noted some limited vehicle damage to the grass verge in the street where it appears

¹ Department for Communities and Local Government, National Planning Policy Framework 2012, para 39
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/government/speeches/planning-update-march-2015>

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that damage has been caused by the repetitive parking of one or two cars in the same places, indicative of an isolated problem rather than an endemic condition. Moreover, given the high quality of the front settings of the houses and the high quality public realm of this area, and the effect on the appearance and character which interruptions to the grass verges make, I consider the on-street parking preferable to on-plot parking on this particular plot. I did not see evidence of mud tracking onto footways as the verges run from the kerbs, and despite heavy overnight rain before my visit, I saw no mud on the road.

10. I have had regard to the concerns about safety and amenity, and conclude on the main issue that though the proposal would result in the loss of off-street parking, it would be unlikely to cause demonstrable harm to the amenity of the area and highway safety. The proposal therefore accords with saved policies E1, E19 and T3 of the LP which require development to enrich the qualities of the existing environment and to provide parking in accordance with the County Council's parking standards.

Other matters

11. I note the representations from neighbours regarding loss of light and privacy and the appearance of the development. As a result of the siting of the building and the separation distances between the proposal and surrounding windows, I find no material, adverse effect on the living conditions of surrounding occupiers in terms of loss of light, outlook or privacy from the proposal. The form of the development would not look out of character with the estate and with careful selection of materials, it would blend in with the surrounding houses.

Conditions

12. I have considered the conditions that have been suggested by the Council against the advice in the Planning Practice Guidance³. In addition to a time condition, a condition specifying the approved plans is necessary. I have applied a condition relating to external materials, in order to safeguard the appearance of the area. I note the proximity of the windows and garden areas of surrounding occupiers, and therefore impose a condition for working hours. I have added a condition for the blocking up of the windows in the ground floor flank wall of No10, as indicated on the plans, in order to secure the privacy of the occupiers of No10.
13. Following the WMS and the introduction of the new system of housing standards, the proposed condition for sustainable construction is unnecessary. I note the site's location reported as being within 50m of land previously used as industrial land, however, given this distance, the housing already surrounding the site, the age of the housing estate and the existing use of the land, there is insufficient evidence to reasonably justify the imposition of the contamination conditions proposed. Likewise, as the applicant has declared on the application form that foul water would run to the main sewer and surface water to a soak away, the details of which would be adequately controlled under other legislation, the condition proposed for the approval of details would be unnecessary. Similarly, I have neither seen nor read anything to suggest that the proposed amenity space would not be used for its designated purpose and see no need to secure this by condition.

³ planningguidance.planningportal.gov.uk

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Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

Inspector