



Appeal Decision

Site visit made on 5 January 2016

by **Andrew Owen MA MRTPI**

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

Decision date: 11 January 2016

Appeal Ref: APP/V2255/W/15/3133440

164 High Street, Milton Regis, Sittingbourne, Kent ME10 2AT

- 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 Vijay Kapoor against the decision of Swale Borough Council.
 - The application, Ref 15/501926/FULL, dated 4 March 2015, was refused by notice dated 16 July 2015.
 - The development proposed is the demolition of existing side extension and conversion of existing two flats into one 3 bedroom house, construction of new driveway to new semi-detached pair of bungalow units at rear of property with hardstanding for 3 cars.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (a) the effect of the proposal on the character and appearance of the area,
 - (b) whether the proposal provides satisfactory living conditions for occupiers of the development with regard to the provision of amenity space, and
 - (c) the effect of the proposal on highway safety.

Reasons

Character and Appearance

3. The site accommodates a narrow, two-storey, end of terrace property which has no front garden, but a long narrow rear garden. The majority of the other properties on High Street in proximity of the site are similar in appearance and this uniformity, and the high density of development, is a strong characteristic of the area. Sprotshill Close, north of the site, is a cul-de-sac of predominantly terraced, two-storey, dwellings which have a more modern appearance than those fronting High Street. Opposite the site, No 163 High Street is an isolated example of a property set behind the rear building line of neighbouring properties. Despite this, it still has a presence in the street scene due to a significant gap between the adjacent properties occupied by its access and a garage.
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4. The provision of two semi-detached bungalows to the rear of No 164 would represent a form of development that would differ considerably from the established character of the area. In particular, the backland nature of the bungalows, with little presence in the street scene, would contrast with the character and appearance of the area.
5. Whilst the development would represent a more efficient use of the plot, the bungalows would occupy a large proportion of the site and would be overdominating. Along the north boundary of the site is a footpath which connects High Street with the garage blocks associated with the properties on Sprotshill Close, and provides access to the rear gardens of the houses at Nos 12 – 17 Sprotshill Close. The bungalows would appear cramped and incongruous when viewed from this footpath and from neighbouring dwellings.
6. Accordingly the development would harm the character and appearance of the area and so would not accord with policies E1, E19 and H2 of the Swale Borough Local Plan (SBLP) 2008 which aim to ensure development is appropriate to its surroundings.

Living Conditions

7. The plans indicate a small area for flowers and shrubs in front of the two bungalows. Though no landscaping details are provided, the planting of this area with flowers or shrubs would leave no useable outdoor amenity space. Were this area to be grassed, it would have only a limited usefulness due to its small size. It would also not be private to either dwelling. As such the provision of such limited amenity space would not provide satisfactory living conditions for the future occupiers of either bungalow. Additionally, the dwelling at No 164 would not be provided with any usable outdoor amenity space, which would be to the detriment of the living conditions of its occupiers.
8. The lack of provision of satisfactory living conditions for the occupiers of the site means the development would fail to accord with Policy E1 of the SBLP which requires development to maintain residential amenity and Policy E19 which, among other criteria, requires development to create comfortable places.
9. I am unable to conclude that the development at Connaught Road in Sittingbourne is comparable with the appeal before me as I have not been provided with any details of it other than a photograph showing the vehicle parking and turning area. Notwithstanding this each development must be determined on its own merits.

Highway Safety

10. The vehicle access would run alongside the retained two storey part of No 164. The visibility splays shown on the submitted drawings relate to the visibility from the access to vehicles travelling on High Street and the Highways Officer has not objected to these. However there is no visibility from the access to pedestrians walking on the pavement along High Street south of the site as the retained two storey part of No 164 directly abuts the back edge of the pavement. Although pedestrian visibility to the north is achievable due to the grass verge to this side, the lack of sufficient visibility to the south would constitute a risk to the safety of pedestrians walking along High Street.

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11. Due to the small size of the site, sufficient clearance to enter and leave the proposed parking spaces would not be provided, and the comments from the Highways Officer supports this view. I note the appellant is willing to discuss the rearrangement of these spaces, but on the basis of the plans before me I can only conclude that the development would fail to provide a satisfactory parking arrangement.
12. Although the change of the existing property from two flats to one dwelling may itself result in a reduction in on street parking, the inadequate nature of the parking area for the bungalows would most likely result in this parking area being unusable and hence leading to an increase in on-street parking overall. The high density of development in the area means that on street parking is already prevalent and an increase in this would be harmful to highway safety in terms of affecting the efficient operation of the highway.
13. As such the development would have a harmful impact on highway safety in respect of pedestrians and road users. Consequently the development would be contrary to Policies E1 and T4 of the SBLP which aims to protect the safety of pedestrians, and Policies E1 and T3 of the SBLP which requires development to provide appropriate vehicle parking.
14. I note the existence of the vehicle access at No 163 opposite the site. Nonetheless that does not justify a relaxation of the standards at the appeal site.

Other Matters

15. The drawings do not indicate cycle parking provision, however there would be room on site or within the dwellings for occupants to park cycles and a condition could be imposed to require details of such parking to be provided. However this does not outweigh the harm that I have found in respect of the main issues.
16. I note the appellants concerns regarding fly-tipping at the site. However this issue could be addressed by means other than the proposed development and it does not justify the development.

Conclusions

17. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

