



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: 15 January 2016

Appeal Ref: APP/V2255/W/15/3131894
24 Admirals Walk, Halfway, Kent ME12 3AY

- 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 Stephen Kingsman against the decision of Swale Borough Council.
 - The application, Ref 15/501570/FULL, dated 11 February 2015, was refused by notice dated 16 July 2015.
 - The development proposed is a new two bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to outlook and provision of amenity space.

Reasons

Character and Appearance

3. The site currently accommodates a hardstanding parking area for No 24 Admirals Walk, but which fronts Banner Way. However, from my site visit I saw that there is a level area for parking to the front of the building at No 24. There is also a gravel parking area to the side and front of the building at No 22. As these parking areas already exist, frontage parking for Nos 22 and 24 would not occur as a direct result of the development.
 4. The properties in Banner Way have garages or parking spaces to the side of the dwellings providing the opportunity for parking other than on their frontages. The bungalow would be the same width as the other dwellings in Banner Way, but because the plot would be narrower than the other plots in Banner Way there is no provision for parking to the side of the bungalow and the only parking area is on the frontage. The lack of space to the side of the dwelling for car parking would result in the development appearing cramped, and the comments in the officer's report stating that that the site is too small for a dwelling, supports my view. Due to this cramped effect, and the provision of the parking area exclusively on the frontage of the plot, the
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development would appear incongruous in the street scene and would be harmful to the character and appearance of the area.

5. Furthermore, despite the unattractive appearance of the site in the street scene currently, I do not consider that this justifies the development proposed.
6. Accordingly the development would fail to accord with policies E1, E19 and H2 of the Swale Borough Local Plan 2008 (SBLP) which require development to be appropriate to its location and surroundings. It would also be contrary to the Council's adopted Supplementary Planning Guidance: Designing an Extension, which provides guidance on the provision of car parking.

Living Conditions

7. The land in the vicinity of the site is sloped such that the rear garden of No 22 is approximately 1.5 metres higher than the site. The rear boundary of No 22 comprises a trellis fence approximately 1 metre high and accordingly the outlook from the rear of the bungalow at No 22 would primarily be of the gable end roof of the development. The gable end would be very close to this adjacent bungalow and would appear intrusive when viewed from the windows on its rear elevation. This would detrimentally affect the outlook from this property to the detriment of the living conditions of its occupiers. Additionally, due to topography, any boundary screening that could be provided within the appeal site to mitigate for this intrusive effect, and secured by condition, would be excessively tall when seen from the appeal site and would be overdominant.
8. As the site is wholly owned by the occupiers of No 24 and does not appear to be used by the occupiers of No 22, the development would not reduce the amount of private garden space available to No 22. It would however result in the private garden area to No 24 being reduced by around half to approximately eight metres in depth. Whilst the resultant garden may be sufficient for the appellant, I must consider all future occupiers of the property. To that end the proposed garden would be too small to provide private amenity space of a sufficient size to facilitate everyday recreational activities that an occupier would reasonably expect to be able to carry out. I note that the garden to No 22 is of a similar depth, but that garden is wider than that at No 24 and some additional space is provided to the side of that dwelling.
9. Therefore due to the adverse impact on the living conditions of the occupiers of No 22 in respect of their outlook, and on the current and future occupiers of No 24 with regard to the resultant size of the rear garden, the development would be contrary to Policy E1 of the SBLP which aims to ensure residential amenity is not harmed.

Conclusion

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

Andrew Owen

INSPECTOR