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## Appeal Decision

Site visit made on 12 January 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

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

Decision date: 26<sup>th</sup> February 2016

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**Appeal Ref: APP/V2255/W/15/3133632**  
**Land adjacent to Laburnum Villa, Parsonage Chase, Minster on Sea, Sheerness ME12 3JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr R Parmar against the decision of Swale Borough Council.
  - The application Ref 14/504382/FULL, dated 1 October 2014, was refused by notice dated 31 July 2015.
  - The development proposed is infilling of existing pond and development of 2 x pairs of three bedroom semi detached properties with associated parking.
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### Decision

1. The appeal is allowed and planning permission is granted for infilling of existing pond and development of 2 x pairs of three bedroom semi detached properties with associated parking at land adjacent to Laburnum Villa, Parsonage Chase, Minster on Sea, Sheerness ME12 3JX in accordance with the terms of the application, Ref 14/504382/FULL, dated 1 October 2014, subject to the conditions listed in the schedule at the end of this decision.

### Preliminary matters

2. I noted on my site visit that the infilling of the pond has taken place.

### Main Issue

3. The main issue in this appeal is the impact of the proposed dwellings on the character and appearance of the area with particular reference to the location of the houses on the site and the parking arrangements.

### Reasons

4. Parsonage Chase is a residential street of mixed character, with a variety of single storey and two storey houses of mixed ages. The existing dwelling on site is a two storey semi-detached Victorian house. The proposal would provide four semi-detached dwellings of a style and appearance that would in their general style reflect that of Laburnum Villa, albeit with rooms in the roof. The proposed houses would face the access drive and sit, as does Laburnum Villa, at a right angle to Parsonage Chase.
  5. The development proposed includes an extension to the existing dwelling, to which the Council raises no objection. Neither does the Council raise any
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Appeal Decision APP/V2255/W/15/3133632

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objection to the external appearance of the proposed dwellings. I see no reason to disagree with their conclusion on these matters.

6. The dwellings on the approach along Parsonage Chase are on a fairly consistent building line, with narrow gaps between buildings. Between the end of those houses and the front of the proposed dwellings there would be a much larger gap formed by the side garden of the last of the houses north of the site and the access drive and parking areas of the proposed dwellings. This substantial degree of separation and the slight bend in the road at this point, would ensure that the development, despite standing forward of the building line of houses to the north, would not appear jarring or inappropriately prominent as it would be seen as a separate and distinct development.
7. As the external appearance of the proposed development would reflect the existing semi-detached dwellings adjacent, this location would add visual interest to the street scene and not harm the character and appearance of the area.
8. Parking is proposed to the front of the dwellings, but as the building would be orientated towards the access drive it would not dominate Parsonage Chase. Further landscaping on the frontage to Parsonage Chase together with the, albeit narrow, planting areas between parking spaces would soften the appearance of the development. As a result, the parking would not have an adverse impact on the character or appearance of the area.
9. I conclude therefore, that the proposed dwellings would not harm the character and appearance of the area. The development complies with Policies E1 and E19 of the Swale Borough Local Plan that seek to ensure a high quality of design that makes efficient use of land and reflects positive characteristics and features of the site and locality.

*Other Matters*

10. Although not previously developed land, the proposed development would represent an efficient use of land within the urban area, with a density that reflects the surrounding area. There is a substantial distance between the proposed and neighbouring dwellings that ensures they would not be unacceptably overlooked or overshadowed. The fact that the developers are not local and there would be no clear benefit to the local population from the development are not matters which would justify withholding permission.
11. There is no parking proposed for Laburnum Villa, but this property does not currently benefit from off road parking and no harm in this respect would therefore result. The access and parking arrangements proposed would be satisfactory and there is no evidence that highway safety would be compromised.
12. I note neighbour concerns regarding water pressure, drainage and flooding issues in the locality but I have been provided with limited information in this regard and there have been no concerns raised by relevant service providers or statutory undertakers. Ecological surveys have been provided that assess the potential of the site to provide habitats for protected species and these demonstrate that development can take place subject to mitigation that can be required by condition.

Appeal Decision APP/V2255/W/15/3133632

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### Conditions

13. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for details of materials to be submitted to ensure that they would maintain the character and appearance of the area. Approval, implementation and retention of landscaping works, including hard surfacing and means of enclosure, are necessary in order to ensure the development would reflect the character and appearance of the area. A condition is necessary to ensure adequate parking is retained on site to reduce pressure of parking on the highway.
14. A condition is necessary to ensure no side windows are installed into the dwellings that may cause overlooking of neighbouring properties, in order to protect neighbouring occupiers' living conditions. As there is likely to be a reduction in light to the rear bedroom of the existing dwelling from the proposed development, a condition is required to ensure the secondary window in the side of that bedroom is provided. As that is forward of the proposed dwellings and would not overlook their private amenity areas or into those dwellings, this is not required to be obscure glazed. I do not consider that the rear extension is required to be completed prior to construction of the dwellings, so have removed that element from the condition suggested by the Council.
15. Conditions are necessary to ensure the development is carried out in accordance with the recommendations of the submitted tree and ecological surveys in order to protect trees and the habitat of protected species. Conditions requiring additional ecological enhancements or provision of sustainable construction techniques go beyond what is necessary to make the development acceptable in planning terms. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

### Conclusion

16. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

*Andrew Steen*

INSPECTOR

### Schedule of 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 following approved plans: PA/14/161.01B, PA/14/161.02B, PA/14/161.03B, PA/14/161.04B and PA/14/161.05B.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal Decision APP/V2255/W/15/3133632

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- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure; hard surfacing materials; and an implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) Upon completion of the approved landscaping scheme, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 8) The side facing openings of the dwellings hereby permitted shall be obscure glazed and non-opening unless the opening section is more than 1.7m above the floor level of the room it serves, prior to the first occupation of the development and shall remain so in perpetuity.
- 9) The first floor side window to Laburnum Villa hereby permitted shall be constructed prior to the commencement of development of the four dwellings hereby permitted.
- 10) All tree works shall be undertaken in strict accordance with the recommendations detailed within the tree ventures report (ref: P479AIA, dated 13th May 2014) and tree protection and planting details submitted on the tree protection plan (ref: R479TPP).
- 11) The development shall proceed in accordance with the recommendations set out in sections 8.1 and 8.2 of the submitted Reptile Survey by Calumma Ecological Services dated 16/9/14, and the recommendations set out in section 6 of the Preliminary Ecological Appraisal by Calumma Ecological Services dated 13/11/14.