



Appeal Decision

Site visit made on 14 November 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 17th November 2017

Appeal Ref: APP/V2255/W/17/3177790

Land on the corner of Range Rd, Eastchurch, Sheerness, Kent ME12 4DU

- 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 Lee Marshall against the decision of Swale Borough Council.
 - The application Ref 17/500436/FULL, dated 6 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is new 4 bedroom, detached house with an integral garage and parking space accessed onto the highway.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are:
 - The effect of the proposal on the character and appearance of the street-scene and the wider area.
 - The effect of the proposals on the living conditions of prospective and existing residents.

Reasons

Policy and the Previous Appeal

3. Although referred to in the reasons for refusal as an emerging Plan, the Swale Borough Local Plan 'Bearing Fruits 2031' was adopted on 26 July 2017 and is therefore now part of the Development Plan. Policy CP4 requires good design that is appropriate to the context in respect of materials, scale, height and massing, as well as other considerations of landscape and the retention of features that contribute to local character and appearance. General development criteria are set out in Policy DM14 including the need to reflect the positive characteristics of the site and locality. The Government attaches great importance to the design of the built environment as stated in paragraph 56 of the National Planning Policy Framework; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
4. The plot proposed for the single dwelling is to the rear of a semi-detached pair of newly constructed dwellings, permitted on appeal in January 2016, reference APP/V2255/W/15/3135783. The findings of that Inspector regarding the location of the dwellings and the surroundings are noted and appear not to

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Appeal Decision APP/V2255/W/17/3177790

have changed. The then lack of a 5 year supply of housing land is not now an issue, although the comment of the appellant regarding the need for higher housing requirement figures is acknowledged. Nevertheless, the Local Plan has only recently been adopted and the higher figures referred to are in draft only.

Character and Appearance

5. The residential area comprises a rectangle of roads, with a large grass area in the centre. Range Road has frontage development of mainly similar semi-detached, two-storey houses to the north of the site, with another group to the west. However, development rarely faces other built form, since there is open land to the east of the road, and the grassed area has its own frontage to the west of the site.
6. With regard to the requirements of Policy DM14 the positive characteristics of the locality are the spacious grassed area, the open aspects provide by the linear arrangement of buildings and the lack of double-sided frontage development. The appeal proposal would adversely affect this arrangement, being placed to the rear of the continuous development on Range Road, and would impinge visually into the large grassed area. The plot is contained within a line formed by the rear boundaries of dwellings to the north, but would appear out-of-place and isolated adjoining a series of semi-detached pairs.
7. For those reasons the proposal is not appropriate in its siting and detached massing and scale, and would not respect the nearby development. There would be no adverse effect on the wider landscape, similar to the findings of the previous Inspector, but harm would be caused to the more local, linear form of development. As a result, the proposal would not accord with the requirements of Policy CP4 in addition, and would not meet the standard sought in Framework paragraph 56 with regard to this main issue.

Living Conditions

8. The Council are critical of the proximity and orientation of the proposed dwelling relative to existing dwellings and their gardens. A requirement for a back-to-back dimension of 21m between dwellings is quoted, although the Council acknowledge that no such relationship would exist in this case. The back-to-side dimension relative to numbers 9 and 10 Range Road would be acceptable in protecting the privacy of the existing occupiers since there would be no windows on the flank elevation of the new dwelling. In the opposite direction there may be a chance to see into the rear garden from the upper windows of numbers 9 and 10, but this is not a harmful relationship at the proposed distance and with an intervening boundary fence or wall.
9. With regard to the view north from the proposed dwelling towards the older houses on Range Road, there would still be no back-to-back relationship and the view would be over the length of the proposed garden to the rear part of the garden to number 11. The separation distances from first floor windows would be acceptable and any direct view of the more private area of garden nearer the rear of the existing dwelling would be significantly shielded by the garage block behind 9 and 10. Any view towards number 10 would be oblique and would not cause harm.
10. The introduction of the building would feature in the outlook from the rear windows and gardens of adjoining properties but with the open land of the

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2

Appeal Decision APP/V2255/W/17/3177790

grassed area and the open aspect to the opposite side of the road, the effect would not be harmful in planning terms.

11. It is concluded that functional aspect of the design does reach the standard sought in Policies CP4 and DM14, as well as the Framework as regards the effect on the living conditions of existing and prospective occupiers.

Conclusions

12. The site is outside settlement boundaries and the planning balance is different than that in 2016 due to there being a 5 year supply of housing land. The Council have nevertheless cited policies on design and layout rather than the principle, and the proposal fails in those respects in its effect on the built form and local surroundings. The design is however acceptable in its effects on the living conditions of neighbouring occupiers. The comments of a co-owner of the land are noted, but any agreement to develop the proposal would be a separate consideration from the planning regime in any event. Similarly the possibility of covenants would have to be considered separately.
13. The proposed siting and its visual effect on the pattern of development and open space fails to satisfy the requirements in the relevant Development Plan policies or the Framework on design, and for the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR