



Appeal Decision

Site visit made on 21 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2022

Appeal Ref: APP/K2230/W/22/3290407
173 Singlewell Road, Gravesend DA11 7QA

- 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 M Peckover against the decision of Gravesham Borough Council.
 - The application Ref 20211211, dated 20 September 2021, was refused by notice dated 13 December 2021.
 - The development proposed is Demolition of existing side and rear extensions, erection of a new single storey rear extension, insertion of dormer windows to rear elevation, erection of a detached garage and two storey side and rear extension to create an additional 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide adequate living conditions for future occupants of the existing and proposed dwelling, with particular regard to private garden space;
 - whether the proposal would provide acceptable parking arrangements; and
 - the effect of the proposed development on biodiversity with particular regard to the Thames Estuary and Marshes and the Medway Estuary and Marshes Special Protection Areas (SPAs).

Reasons

Character and Appearance

3. The appeal site is a two storey end of terrace dwelling located on a corner of Singlewell Road in a prominent position at a crossroads. The side and rear garden of the dwelling extends along Dennis Road which is predominantly bounded by a tall fence. A vehicular access with gated access from Dennis Road is located at the far rear of the property.
4. The immediate area around the appeal site is predominantly suburban in character. Dwellings tend to be arranged set back from the highway to both sides of the road, providing a consistency and spaciousness to the streetscene.

The spaciousness continues around the corner along Dennis Road, as the appeal property and that opposite, 175 Singlewell Road, are set back to the side, consistent with the setback of dwellings along Dennis Road.

5. On the opposite side of the crossroads at the junction with Ascot Road, there is a large, detached dwelling set closer to the road. This includes a single storey hipped bay window with the bulk of the dwelling being set further back from the road with space to the side. The dwelling on the opposing side of Ascot Road has been extended to the side with a single storey element to the front which has resulted in the two storey element being set back considerably, retaining a degree of spaciousness. This results in a gable facing Ascot Road, although on my site visit I saw that there are mature trees growing between this and the road, limiting views and reducing its effect on the streetscene. Overall, I saw that there was a degree of openness extending across the crossroads.
6. The proposed new dwelling would be attached to the existing dwelling and constructed in its side garden extending very close to the pavement edge of Dennis Road (0.7 metres). This would significantly diminish the openness here, at odds with the prevailing character. The harm to the character would be exacerbated by the long length of the elevation facing Dennis Road. The proposed two storey dwelling would extend for 12.64 metres close to the pavement edge here resulting in a bulky and oppressive form of development that would have a dominant and harmful effect on the character and appearance of the streetscene.
7. The appellant has provided me with examples of side extensions in the form of a survey of the surrounding area. The survey frequently cites fences, trees and hedges as impacting upon openness. However, the visual effect of these features are not comparable to the bulk and massing of a two storey height dwelling. Examples are given at the junction with Park Road, however this is in a part of the street that is made up primarily of semi detached dwellings with space between them and therefore is not directly comparable with the appeal site which is an end terraced property. The front elevations of the houses adjacent to the junction with Mead Road are set much closer to the road than those on the appeal site. Furthermore, on the opposite side of the junction are commercial properties. Similarly, properties on Leigh Road are set much closer to the road than those around the appeal site. Furthermore, all of these examples are some distance from the appeal site and are not visible from it.
8. The property referred to as lying adjacent to the junction with The Fairway, 157 Singlewell Road, is a semi-detached house that has been enlarged by a two storey side extension with a two storey rear projection. The property opposite, 155 Singlewell Road has a similar extension, forming a dwelling, 155A Singlewell Road, which has been carried out following the grant of permission at appeal¹. In that appeal decision, the Inspector highlights the proximity of No 157 to its boundary as well as that of the dwelling at the opposite end of the terrace, 137 The Fairway. On the basis that these nearby extensions have been constructed forward of the building line of houses in the side roads and that these now form part of the character of the area, the Inspector concluded that the proposed dwelling would not be out of keeping with the mixed character of the area.

¹ APP/K2230/W/18/3203395.

9. The appeal site is different as it relates to a crossroads which has a predominantly open character without extensions constructed close to the pavement edge. I am therefore satisfied that the appeal decision does not represent a parallel with the proposal before me. I further note that the dwelling as constructed at No 155 is set further away from the pavement with a noticeably smaller rear projection than the proposal before me.
10. For the above reasons the proposal would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014) (the CS) and the provisions of paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) which together seek to provide high quality design that preserves character and appearance.
11. The Council has also referred to Policy CS14 of the CS in its decision however this has more limited relevance to matters of character and appearance.

Living Conditions

12. The Gravesham Residential Layout Guidelines (2020) (the SPD) states that four bedroom properties should have a minimum private garden area of 100 square metres and a minimum depth of 10 metres.
13. Whilst both the garden retained at the appeal property and that allocated to the new dwelling would meet the depth requirements, the remaining private garden for the host dwelling would be 73 square metres. The garden area for the proposed dwelling would be 67 square metres. Both garden areas would be small, substantially less than the minimum prescribed areas in the SPD, and would serve relatively large four bedroom dwellings. Space for outside storage, leisure use, clothes drying and play space would therefore be extremely limited. In my view, the garden areas would not provide sufficient space to satisfactorily meet the day to day needs of future occupants of dwellings of this size. Consequently, having regard to the guidance in the SPD, the gardens would not provide acceptable living conditions for future occupants of the proposed dwelling or the existing dwelling.
14. Whilst there would be smaller garden areas to the front of both dwellings, due to their position, these would be unlikely to be private. The SPD notes that it may be appropriate, in certain circumstances, for the minimum garden depths to be modified. In these cases, the SPD guides that each scheme will be considered on its individual merits, having particular regard to any exceptional circumstances and all other material considerations. Whilst I accept that the SPD is only guidance, I have not been provided with any site-specific circumstances as to why it would be appropriate to allow a significant shortfall in the minimum amount of private garden here.
15. The appellant has referred to the Bovis/Persimmon site, however I have not been provided with the precise details of that development and given that this is a large new housing development, it is unlikely to represent a parallel with the appeal site.
16. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants of the existing and proposed dwellings with particular regard to private garden space. The proposal would therefore conflict with Policy CS19 of the CS and the guidance within the SPD

which seek to ensure new developments provide appropriate levels of private amenity space and safeguard living conditions. There would also be conflict with paragraph 130 of the Framework which, amongst other things seeks to ensure planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Parking

17. The existing and proposed dwelling are proposed to be served by a shared parking area at the rear of the site and accessed using the existing access from Dennis Road. A double garage would be constructed within this area with each dwelling being allocated a space within it. An additional parking space would be provided to either side of the garage amounting to two parking spaces per dwelling.
18. The garage doors would be perpendicular to the pavement edge of Dennis Road. There would be a gap of just 6.270 metres from the garage doors to the boundary fence with 1 Dennis Road. Given their respective position and the constrained nature of the site, it would be extremely difficult to manoeuvre vehicles into the proposed parking spaces. The parking space to the rear of the existing property would require a particularly difficult manoeuvre due to the lack of space available. This is supported by the comments of the Highway Authority which advises that the proposed space behind the existing property seems to be difficult if not impossible to access. A layout such as this could inconvenience future occupants and could lead to additional on street parking which could be detrimental to the free flow of traffic adjacent to the crossroads.
19. I therefore conclude that the proposal would result in unacceptable parking arrangements. This would be at odds with Policy CS11 of the CS and Policy P5 of the Local Plan First Review 1994 which together seek to ensure sufficient off-street parking is provided as part of new developments. Even if this could be addressed by amendments to the scheme as suggested by the appellant, in light of the condition imposed as part of the appeal decision at No 155, I have not considered this matter further as I am dismissing on other grounds.

Biodiversity

20. The appeal site lies within the Zone of Influence of the Thames Estuary and Marshes and the Medway Estuary Marshes Special Protection Areas (SPAs). These are European designated sites. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires that permission may only be granted after having ascertained that it will not affect the integrity of European sites.
21. Due to the appeal site's proximity to the SPAs there is a reasonable likelihood that they would be accessed for recreational purposes by future occupants of the development. Although this may be minimal by itself, when considered in combination with other existing residential development in the surrounding area, a significant effect on the integrity of the SPA would occur.
22. The Council has indicated that there is an agreed strategic solution developed with Natural England to mitigate this effect. The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on

the European Protected Sites and Ramsar Sites. This requires financial contributions from developers in order to mitigate the effects of increased recreation pressure from the approved development. A per-dwelling tariff has been calculated from the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built across North Kent.

23. Since the refusal of the planning application both parties have confirmed that the appellant has now paid the tariff and I have been provided with a copy of this agreement. Therefore, in line with the SAMMS, I am satisfied that the financial contribution provided would adequately mitigate the increased recreation pressure arising from the proposed development.
24. In conclusion I am satisfied that with the mitigation measures in place, the development would not have an adverse effect on the Thames Estuary and Marshes and the Medway Estuary Marshes Special Protection Areas. The development would therefore comply with the Conservation of Habitats and Species Regulations 2010 (as amended). It would also accord with Policy CS12 of the CS and paragraphs 180 and 181 of the Framework insofar as they seek to secure the long term protection of Special Protection Areas and mitigate any adverse effects on their integrity.

Other Matters

25. I accept that there could be circumstances whereby a fourth bedroom could be added to the appeal property through permitted development without the need for a planning application. However, even if this were to be carried out, there is nothing before me to indicate that the garden serving the new dwelling would not remain significantly below the minimum area contained within the SPD.
26. I have had regard to the appellant's fallback position, however I have no substantive evidence to indicate that there is a significant probability that the outbuilding referred to would be constructed, should this appeal be dismissed. This limits the weight that I can attach to it as a fallback position.

Planning Balance

27. It is common ground between the parties that the Council cannot demonstrate a five year supply of deliverable housing sites. Based on the figures in the Council's delegated report, this is limited to 3.27 years supply. This represents a substantial shortfall where paragraph 11. (d) of the Framework would be triggered, to which I turn to consider below.
28. Whilst the Framework refers to boosting significantly the supply of housing, the provision of one additional dwelling would only make a small difference overall. The proposal would lead to some minor economic benefits through the construction and occupation of the dwelling, but these would be limited by the small scale of the proposal.
29. However, I have found that the proposal would amount to considerable harm to the character and appearance of the area, whilst the proposal would not provide acceptable living conditions for future occupiers, nor would it provide acceptable parking arrangements. This leads me to the conclusion that the proposal would be contrary to the development plan as a whole. The support in the Framework and development plan for new housing is not unconditional.

Good design is a key aspect of sustainable development², whilst new developments are expected to provide a high standard of amenity for existing and future users³.

30. Therefore, applying paragraph 11. d)ii), the adverse effects of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies taken in the Framework as a whole. There are no material considerations of such weight to lead me to conclude otherwise.

Conclusion

31. I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² Framework paragraph 126.

³ Framework paragraph 130.