
Appeal Decision

Site visit made on 24 November 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2022

Appeal Ref: APP/K2230/W/22/3291943

1 Codrington Gardens, Gravesend, Kent, DA12 5DB.

- 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 Hardeep Singh against the decision of Gravesend Borough Council.
 - The application Ref. 20211506, dated 2 December 2021, was refused by notice dated 31 January 2022.
 - The development proposed is the erection of a two bedroom end of terrace house and off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on the living conditions of occupiers of properties around the site and occupiers of the proposed house;
 - The effect on highway and pedestrian safety; and
 - The effect on the Thames Estuary and Marshes Special Protection Area (SPA).

Reasons

Background

3. The appeal site forms the side garden of the host property which is a two storey end of terrace house which lies on the corner of Codrington Crescent and Codrington Gardens. Surrounding residential development is of a similar nature. The proposal is to add a two bedroom house to the end of the terrace. I note that a previous proposal for a three bedroom house was refused by the Council and the appellant seeks to overcome the reasons for refusal.

Policy Context

4. The Council advises (at the time that the application was considered) that it could not demonstrate a five year supply of new housing sites and that the delivery of housing was substantially below that required in the Housing

Delivery Test. Paragraph 11(d) of the National Planning Policy Framework (the Framework) (sometimes referred to as the 'tilted balance') is therefore engaged in this case.

Effect on the character and appearance of the area

5. In relation to the street scene along Codrington Gardens the general bulk of the proposal dwelling would maintain the building line and would not appear imposing or out of place viewed against the context of the rest of the terrace. However, I have concerns about the effect on Codrington Crescent. In considering this I note that the other end property, No.2, appears to have been extended to the side and now the gable end is closer to the road than the host property on the appeal site. Even so, the proposed house would extend out beyond the general building line along the eastern side of the street and would appear as a prominent and overbearing addition. The house would appear cramped in its surroundings and would not make a positive contribution to the street scene of Codrington Crescent but would materially harm its character and appearance.
6. In addition to the general principle of development it appears to me that the design of the house proposed is neither a continuation of the form of the terrace or is designed to be a subservient structure with a 'set back' of the front elevation and 'step down' of the ridge of the roof. Moreover, the submitted plans are not consistent in that a slight 'set back' and 'step down' are shown on the side elevation and proposed floor plan but not the front or rear elevations or roof plan.
7. Overall on this issue I find that the harm that the proposed new dwelling would cause to the character and appearance of the area means that it does not accord with the provisions of Policy CS19 as it would not integrate well with its surroundings. The development would also conflict with the guidance in the Framework to ensure that new development helps achieve well designed places.

The effect on living conditions

8. The Council is concerned about the size of the dwelling proposed and the close relationship with existing properties which it said would result in overlooking and a loss of privacy. In terms of the size of the dwelling proposed all of the accommodation exceeds the standards set out in the Council's Residential Layout Guidance (2020) (RLG) apart from the Bathroom /WC which is about one sq.m short in floorspace. However I am satisfied that if all other aspects of the scheme were accepted a condition could be imposed requiring some very minor changes to the internal layout of the dwelling within the overall footprint put forward which would then accord with the guidance.
9. In terms of overlooking the Council advises that the gap to the rear of the nearest property in Wilberforce Way is 21.5m whereas the present standard in the RLG is 26m. However, given that the housing layout of these streets is long established and a similar distance between properties prevail, I am satisfied that no serious overlooking or loss of privacy would occur which would be out of place with the general locality and that the deficiency does not justify the refusal of the scheme on this ground alone.

The effect on highway and pedestrian safety

10. In this regard the proposal involves the creation of a new parking space off Codrington Crescent and the widening of the existing access into Codrington Gardens. The Council and the highways authority's concerns relate to the provision of additional off road parking and visibility splays for a new access. Although the scheme does not show the 2m by 2m splays for the new space proposed off Codrington Crescent as recommended by the highway authority, there is sufficient land to achieve this without materially reducing the extent of the garden for the new property. I am satisfied that an amended plan required by a condition could achieve an appropriate solution on highway aspects that would not harm highway or pedestrian safety or lead to more parking on the highway /pavements.

The effect on the SPA.

11. The evidence submitted indicates that these designated sites for nature conservation are in an unfavourable ecological state, particularly as a wetland for birds. This is likely to be made worse by additional population in the area arising from new residential development with an increase in recreational pressures. The site lies within the 6Km protection area identifies in the North Kent Birds Disturbance Report. Accordingly, avoidance and/or mitigation measures as set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy should form part of proposals for new residential development.
12. The appellant has indicated that he is willing to pay the recommended contribution as set out in the mitigation strategy but as yet there is no formal mechanism before me to secure this.

Planning balance

13. On the main issues I have found that while aspects of the internal space of the proposed dwelling and visibility for new parking could be overcome with further amendments, the size and bulk of the proposed dwelling would be prominent and overbearing in the street scene and would harm the character and appearance of the area. This means that the proposal conflicts with the local policy and national guidance to ensure that new development fits in with its surroundings.
14. This adverse effect has to be balanced with other factors and especially the lack of new housing being delivered by the Council in recent times, and which limits the weight that can be placed on Policy CS19. However, the adverse effects and conflict with the Framework, in achieving well designed places where new development is sympathetic to local character, is not significantly and demonstrably outweighed by these benefits. The appeal should therefore not be allowed. Given this overall conclusion I do not need to carry out an Appropriate Assessment under the Habitat Regulations.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR