



Appeal Decision

Site visit made on 29 October 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/K2230/W/24/3339619

1 Gabriel Gardens, Gravesend, Kent DA12 4QD

- 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 & Mrs Usher against the decision of Gravesend Borough Council.
 - The application Ref is 20230957.
 - The development proposed is described as erection of part two storey and part single storey side, front and rear extension to create a new dwelling; erection of two storey front extension to existing dwelling, formation of one car parking space in the front garden and formation of vehicle access to existing parking area.
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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; and
 - the effect of the proposed development upon the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The site lies in an established residential area characterised by two-storey dwellings of varying types and designs. Close to the appeal site, properties are formed of semi-detached dwellings along main routes. Off these routes are a number of short cul-de-sacs made up of small terrace rows set back from the road with front gardens and driveways. Despite a number of properties being altered or extended in some way, the area has maintained its suburban character with coherent building lines and space between properties.
4. The appeal site is on a cul-de-sac with a terrace row to either side of the road and a short block of garages at the rear. The street also contains some single-storey garages close to the street entrance. Several properties on either side of the street have been altered or extended. These additions include front porches and projecting two-storey front gables. The property on the opposite end of the terrace row (No 9) to the application site has been considerably extended. The works include a large, part two-storey and part single-storey, side extension and a two-storey front extension. Despite these significant

alterations to No 9 and other properties on the street, there is a pleasant character and uniformity to the area

5. The front elevation two-storey gable proposed across two properties does not replicate other properties on the street. Existing two-storey gable projections are sited across single dwellings and are therefore narrower than that proposed. Moreover, they do not project outward as far as the double gable projection sought.
6. Given the width and projection of the joint front gable, it would result in an uncharacteristic addition to the street scene, appearing at odds with the surrounding built form. Although the proposed development would include matching materials to other properties on the terrace and a consistent ridgeline it would appear as a discordant feature within the street scene.
7. The proposed dwelling would be sited on the side and rear garden previously used by the host dwelling and be wrapped around a detached single-storey garage at a close distance. This proposed design would not reflect the other properties on either side of the terrace and would interrupt the established rhythm of development. It would also have the uncharacteristic appearance of an overly cramped form of development on a constrained site. While much of the proposal would not be visible in the wider area, it would nonetheless be visible along much of the street. Therefore, the proposal's design would not be sympathetic to the character and appearance of the immediate area of Gabriel Gardens and would not comprise high-quality design.
8. The appellant has drawn my attention to other examples of two-storey front extensions across two properties and single-storey ones. I do not have full details of these schemes or their planning history. In any case, the examples before me, except for the single gable projections on Gabriel Gardens, would not be visible alongside the proposal. Moreover, the alterations and extensions I observed during my visit sat well within the street scene and did not appear cramped as a result of being built around existing structures. Therefore, these existing developments are materially different to the appeal proposal.
9. For the reasons identified above, the proposed development would have a substantially harmful effect on the character and appearance of the area. The proposed development is therefore contrary to Gravesham Local Plan Core Strategy (GLP) Policy CS19, which seeks, amongst other things, development that integrates well with the surrounding area.

Living Conditions

10. Policy CS19 of the GSP requires new residential development to accord with the adopted Residential Layout Guidelines SPG¹. As a result of a private garden area being within the field of view, the SPG specifies a minimum distance of 26 metres to safeguard privacy. The Council does not object to first-floor windows serving an en-suite and bathroom as they would be conditioned to be obscurely glazed. However, the window serving bedroom one would overlook several surrounding properties.
11. Some mutual overlooking of gardens is common in residential settings, including in the area around the appeal site. Nonetheless, the separation

¹ Supplementary planning guidance 2, Residential layout guidelines including Housing Standards Policy Statement October 2015, adopted February 1996 – amended June 2020, Gravesham Borough Council

distance to 133 and 135 Astra Drive would only be 24 and 17 metres, respectively, which falls below the distance required in the SPG. While the appellant states that these views would be oblique, no detailed plans have been provided to show that this would be the case.

12. There is also a dispute between the main parties as to whether the required separation distance would be met between the proposed dwelling and 2 Judith Gardens. Whilst the appellant contends that the 26 metre distance is met, there is no substantive evidence to conclude this would be achieved. The picture provided within the appellant's statement does not contain distance measurements and appears to be set back further than the proposed first-floor rear window serving the bedroom. In view of these distances, less than the optimum standard of privacy at the rear would be achieved. Unacceptable overlooking towards neighbouring properties and gardens would occur as a result.
13. The appellant has drawn my attention to No 9 where these separation distances have not been achieved. However, the details provided by the appellant show the oblique angle to the dwelling on Mollison Rise which would likely have been taken into account when the development was approved. Additionally, the rear of the development at No 9 is largely beyond the flank wall of the property on Judith Gardens, such that the level of overlooking is reduced. Therefore, this existing development is materially different to the appeal proposal.
14. While acknowledging that the privacy distances in the SPG are guidance rather than policy, the development would still result in sub-optimal standards of privacy for nearby occupiers to which I attach substantial weight. It would also conflict with GLP Policy CS19 where it requires new development to safeguard privacy for neighbouring occupiers.

Other Matters

15. The appellant has stated unlawful works have taken place near the appeal site. However, this is not a matter that falls within the scope of this appeal and is a matter for the Council.
16. The site is within 6km of the Thames Estuary and Marshes Special Protection Area (SPA). It is possible that recreational impacts from the development, in combination with other projects, would be likely to have a significant effect on the integrity of this European designated site. The appellant has submitted a SAMMS contribution agreement as an appropriate mitigation measure. However, as I am dismissing the appeal for other reasons, there is no need for me to consider this issue further. In any event, this would have mitigated harm and would not have provided a benefit in favour of the proposal.

Planning Balance

17. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the GLP, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of nearby properties. For these reasons, the development conflicts with the development

plan as a whole and should be refused unless other material considerations indicate otherwise.

18. The Council cannot demonstrate a 5-year supply of deliverable housing land. The figure provided by the Council indicates 2.9 years with the delivery of housing substantially below (less than 75%) that required by the Housing Delivery Test. In this scenario, Paragraph 11 d) ii) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the scale of development proposed means the contribution of one additional dwelling to meet housing needs in the Borough and the associated benefits would be limited even in light of the agreed shortfall.
20. In these particular circumstances, the effect on the character and appearance of the area and to the living conditions of occupants of adjacent properties conflict with policies of the Framework. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

21. The proposal conflicts with the development plan when considered as a whole. For the reasons given, material considerations have not been shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. As a result, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR