
Appeal Decision

Site visit made on 17 November 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/K2230/D/22/3305920
130 Old Road East, Gravesend DA12 1PF

- 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 Rijvant Thamey against the decision of Gravesend Borough Council.
 - The application Ref 20220737, dated 4 July 2022, was refused by notice dated 25 August 2022.
 - The proposed development is for a Class E outbuilding used as a games room.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to a previous appeal on the site (reference APP/K2230/D/21/3287841). I shall have regard to this background when considering the merits of this proposal.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the surrounding area; and b) the living conditions of the occupants of 132 Old Road East in respect of outlook and privacy.

Reasons

Character and appearance

4. The appeal site relates to a semi-detached, two-storey house situated on Old Road East within a row of similar properties. The topography of the rear gardens in the locality rises generally towards the northwest. The surrounding area is predominantly residential in nature.
5. I agree with the previous Inspector that the current outbuilding is uncharacteristically close to the appeal dwelling and the adjoining residence at 132 Old Road East, and results in a cramped environment. The plans before me show that the projection of the outbuilding is to be reduced by approximately 1.6 metres and the roof lowered, which would go some way towards improving the spatial relationship with the host property. However, by spanning the whole width of the site the element would remain dominant and visually obtrusive, particularly given its elevated siting when viewed from the east where the land is lower.

6. I appreciate that the existing black stained boarding will be replaced by white painted render, that the new outbuilding together with the original garage would not cover more than 50% of the residential curtilage, that the games room would be incidental to the enjoyment of the host dwelling and internal space standards are irrelevant to the proposal. However, these matters do not outweigh the harm I have identified above.
7. I observed at my site visit that nearly all the other houses in the row have outbuildings towards the end of their back gardens. Nonetheless, these are considerably further from the rear elevations of the dwellings than the layout at the appeal site, which tempers their presence. In any event, outbuildings within the curtilages of other houses would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
8. I conclude that the scheme would result in harm to the character and appearance of the dwelling and the surrounding area. It would infringe Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS), which seeks to secure new development of acceptable scale and appearance. It would also be inconsistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

9. Although I acknowledge that the scheme would be reduced in size, its proximity to the boundary with no.132 would remain. The considerable height would dominate the outlook from the rear openings of the adjoining house and the environment in and around the patios and back garden. This would be in a manner which would be overbearing and oppressive.
10. With regard to privacy, there would be a raised area at the top of the retaining wall which would allow for views over the back garden of no.132 and into its rear windows. This notwithstanding, I am satisfied that a planting scheme (as indicated on the site layout plan) would preclude anyone standing to this side of the raised area. The single access door to the games room is to the other end of the outbuilding near the boundary with no.128, and could be obscure glazed and screened with a privacy panel to prevent any undue overlooking.
11. Although there would be no adverse loss of privacy, the scheme would be harmful to the living conditions of the occupants of 132 Old Road East in respect of outlook. Accordingly, the proposal conflicts with CS Policy CS19 and paragraph 130 of the Framework.

Conclusion

12. Having regard to my reasoning and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR