



Appeal Decision

Site visit made on 16 March 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/K2230/W/23/3329874

Westside, Wrotham Road, Meopham, Gravesend DA13 0HW

- 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 and Mrs S Phagura against the decision of Gravesham Borough Council.
 - The application Ref 20230351, dated 6 April 2023, was refused by notice dated 9 June 2023.
 - The development proposed is described as the 'demolition of the existing two-storey three-bedroom dwelling and the erection of a two-storey four-bedroom detached dwelling with roof storage, and associated hard and soft landscaping, and car parking.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that both parties in their appeal documents reference the paragraphs of the National Planning Policy Framework 2021 (the Framework). Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version. The wording of the paragraphs of the new Framework relevant to this appeal remain unchanged from the 2021 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2023 Framework within my decision.
3. During the appeal process, the Appellant has included an additional plan¹ in order to accompany their Statement of Case (SoC) and provide further information for Refusal No.1. The plans give a 3D visual and does not change the nature of the proposal, and when judging this information in accordance with the 'Wheatcroft principles'², I see no prejudice towards either party in accepting these plans and will base my decision upon it.
4. Additionally, the Appellant in their final comments has submitted a number of planning decisions³ by the Council which seek to demonstrate that there is a precedent which supports the proposed development. In general, the appeal process is not the appropriate place to evolve the scheme or submit additional documents to be considered; and the scheme and accompanying documents

¹ 'Proposed Perspective Views in Context,' Drawing No.1151

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

³ Bakers Meadow, Wrotham Road, Meopham, Kent DA13 0AT, Council ref 20030597 and 20080742; Orchard View, 12 New Road, Meopham, Council Ref: 20150201; 14 New Road, Meopham, Council Ref: 20160135; Gates Place, Wrotham Road; Council Ref: 20171131; Downend, Norwood Lane, Meopham, Council Ref: 20171263; and Hemmett, Wrotham Road, Council Ref: 20190370,

that are considered at appeal ought to be the same ones that were considered by the Council. There is no evidence that these plans formed part of the scheme that the Council made its decision on, or that these arguments around precedence have been subject to any form of consultation or comment by the Council. Despite this, having considered the Wheatcroft Principles, I am prepared to accept these and consider them as part of the appeal documents.

Main Issues

5. The main issues are:

- The effect of the proposed development upon the character and appearance of the locality;
- The effect of the proposed development upon the living conditions of the neighbouring dwelling 'Riseley,' with particular regard to privacy and sense of enclosure; and
- Whether the proposal has a sufficient level and design of parking provision.

Reasons

Character and Appearance

6. The appeal site is located along Wrotham Road, a classified A-road that runs through Meopham. Opposite the appeal site is the end of the small High Street which leads to the train station and contains much of the older building stock with dwellings dating from the late nineteenth century. Dwellings adjacent to the appeal site include three groups of semi-detached properties which appear to date from the early twentieth century, whilst on the opposite side boundary there is a large house that has been converted into flats. The older dwellings and later infill dwellings along the street tend to have small front gardens, two storeys, hipped or gable roof forms with materials predominantly consisting of brick, render, hanging tiles and concrete and slate rooves. There is an emphasis on vegetation and spaciousness with visual gaps and spaces in between and around dwellings where glimpses to the tops of trees in rear gardens and well vegetated front gardens can be experienced. Together with the large proportion of boundary hedging and street trees, these elements presents a leafy and spacious feeling and is a positive characteristic that contributes to the local distinctive character and appearance of the area.
7. The appeal site is an infill development which appears to date from the late twentieth century. The dwelling is unusual given that it has a greater setback within the street scene from the adjoining dwellings, and is of a relatively simple design being two storeys, with pitched roof fronting the street. The dwelling has an attached garage and small front garden with brick wall and hedge behind which reinforces the positive contributions of the spaces in and around the dwelling.
8. In undertaking development, the Gravesham Local Plan Core Strategy (CS) Policy CS19 outlines a number of design principles to adhere to, such as the development responding to the character of the site and the surrounding area, and a consideration of elements such as materials, height, building line, siting, layout, and design features, amongst others. Paragraph 135 of the Framework follows on from this local policy and seeks that decisions ensure that

development is sympathetic of local character and the surrounding built development, amongst others.

9. Whilst the modest size of surrounding dwellings and the spaces in and around the dwelling contribute positively to the street scene, the existing dwelling itself is of neutral influence and there are no concerns with regards to the dwelling being demolished and replaced by another dwelling which would meet the policies of the development plan. I appreciate explanations as to the design approach from the Appellant's Statement of Case (SoC) which looks to amend and address some of the previous concerns from a prior refused application⁴ and a subsequent pre-application⁵ to develop the site for a dwelling. Whilst I agree with the Appellant's SoC that it is inappropriate to request that the site be developed as pastiche or imitate and adopt existing styles, I don't agree that the proposed design is 'clearly of a modern and contemporary design.' There are positives regarding the proposal such as the projection forward into the street scene to give more of a presence to the dwelling, however the overall bulk, height and massing of the proposal is problematic.
10. The proposed building would be much taller than the existing dwelling and would also be taller than the adjacent dwellings as seen on the proposed elevation plans. This combined with the increased massing where two storey components come close to either side boundary, considerably reduce the spaces in and around the dwelling which is an important characteristic of dwellings within the street scene. Additionally, the existing front garden would also be removed for a frontage that would be dominated by hardstanding and vehicular parking, which is detrimental to the street scene.
11. I note the number of planning decisions that have been submitted as discussed previously which seek to illustrate precedence. What is clear to me from looking at each of these decisions is that the Council applied considerations and interpretations of the development plan in accordance with Policy CS19 which seeks that a decision maker apply design principles that are specific to the characteristics of the particular site. Put another way, just because these dwellings have been approved in their locations, does not mean that they would be suitable designs at the appeal site, or indeed in the other approved sites. Whilst these dwellings might be similar in design, bulk and massing with the appeal site, it is unclear from the documents submitted how they mimic the current site characteristics as discussed which would then warrant the same considerations around design, bulk, massing, etc. As such, the submitted planning approvals do not demonstrate precedence and carry limited weight in demonstrating the appropriateness of the appeal scheme.
12. I also note discussion with regards to materials, which as proposed consist of black uPVC fenestration, uPVC rainwater goods, blue engineering brick plinth to the dwelling with white render and fibre cement tiles to the main roof and GRP roofing to the flat roof to the rear. I agree that the colouring of the black windows against the white render would make the proposed dwelling stand out more, particularly within a street scene that has a number of historic dwellings. Additionally the uPVC and fibre cement roofing products are of poor quality and poor environmental credentials and will not stand the test of time when compared to products such as slate, timber and aluminium. However I agree that materials could be resolved through discharge of conditions.

⁴ Council Planning Ref: 20221085

⁵ Council Pre-application No. PRE20230032

13. Instead of matching the positioning, scale and form of the street scene, the proposed development would be overly large and bulky and would be a much more prominent form within the street scene that reduces the spaces in and around the dwelling. Cumulatively, the proposal could not be seen as a positive architectural response that would be an appropriate addition to the existing street scene.
14. In conclusion of this matter, whilst I agree that the materials could be resolved through an appropriately worded condition, this does not resolve concerns regarding harm caused to the character and appearance of the locality. The proposed dwelling would result in the loss of positive characteristics and would be clearly disproportionate and the additional visual bulk and massing would be unlike other dwellings constructed within the immediate vicinity. Consequently, the proposal would be harmful to the character and appearance and local distinctiveness of the locality and be contrary to CS Policy CS19 and Paragraph 135 of the Framework, as described previously.

Living Conditions

15. The main concerns with regards to living conditions revolve around privacy and sense of enclosure towards the neighbouring Riseley which adjoins the side boundary of the appeal site. Riseley is a two storey semi-detached dwelling with a long garden and small setback to the appeal property. As the appeal site is set back from the rear of Riseley, there is already a two storey component directly adjacent to the rear garden of Riseley, however this is limited due to the space to the front of the appeal dwelling that allows access to sky from the rear garden of Riseley over the front garden of the appeal site.
16. Beginning with the sense of enclosure, the forward projection of the proposed dwelling would contain a large flank wall close to the boundary of Riseley which would combine with a two storey wall roughly in the same place as the existing dwelling. Whilst I appreciate comments in the Appellant's SoC that the depth within the rear garden of the proposed building and existing would be similar; the proposed wall would be taller as the proposal has taller eaves, together with the two storey projection forward which would give a very large and unbroken two storey wall that would have a much greater perception of massing and visual bulk than as currently experienced. Currently there is no built form to the front of the appeal building which enables gaps in and around dwellings, however this would be removed as a result of the proposal, which causes an increased presence of the proposed building to this neighbouring property. Whilst the garden is quite large, the changes from existing to proposed are significant in that the increased visual massing and bulk would cause detriment to the living conditions of Riseley.
17. Turning to overlooking, The Council has concerns regarding the high level windows placed on the side elevation. Whilst I appreciate that the windows are clear, the windows are placed at a minimum of 1.7m above finished floor level, and as such would unlikely be able to cause detrimental harm to living conditions as a result of overlooking.
18. In conclusion of this matter, whilst I agree that there would be no detrimental loss of privacy from the proposed development, this would not outweigh the harm caused as a result of sense of enclosure from the increased bulk and massing of the proposed development. As such the proposal would be

detrimental towards living conditions, and contrary to CS Policy CS19 which seeks to safeguard amenity as a result of development.

Parking Provision

19. The proposal submits plans for 3 parking spaces, one which would be located within the garage to the side of the dwelling and two spaces proposed between the front façade and the front boundary wall. The two parking spaces to the front of the property whilst meeting the depth of car spaces, fall short on the width which needs to be 2.7 metres wide when adjoining a wall. The Parking standards dating from 2006 states that for 4 bed properties that a minimum of 2 spaces should be provided. The Council refers to new draft parking standards which suggest that for 4+ bed units that 2 spaces would be required for suburban dwellings, whilst 3 spaces would be required for rural locations which is what the Council are requiring.
20. Having visited the site, I do not share the opinion that the site is 'rural.' The dwelling sits opposite a small high street and a train station which provides relatively quick and frequent access to London, alongside a number of bus connections to the surrounding area. The site is an accessible location which has more in common with a suburban, than rural location, and my reading of the parking standards would determine that a minimum of 2 parking spaces would be sufficient for this development.
21. Whilst I appreciate that the proposed plans do not indicate sufficient room for 3 spaces, the proposed plans would sufficiently cater for 2 car spaces (one space within the garage and 1 space between the front façade and boundary wall) and therefore there is no conflict with CS Policy CS11 which seeks that sufficient parking in new development will be provided in accordance with adopted parking standards which will reflect the availability of alternative means of transport and accessibility to services and facilities.

Conclusion

22. Whilst I have agreed with the appellant with regards to parking provision, part of living conditions and materials, when the development plan is assessed as a whole, these matters are not sufficient to outweigh the harm caused which relates to character and appearance and sense of enclosure. For the reasons given above, I conclude that the appeal is dismissed.

J Somers

INSPECTOR