

PLANNING COMMITTEE
19 FEBRUARY 2014
REPORT ON APPEAL DECISIONS
OCTOBER – DECEMBER 2013

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Summary

This report informs members on appeal decisions. The summary of appeal decisions is listed by ward in Appendix A. Further information on costs is given in Appendix B and C.

A total of 13 appeal decisions were received during October to December 2013, of which 8 were allowed and 5 were dismissed.

1. Budget and Policy Framework

1.1 Not applicable.

2. Background

2.1 When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. A householder application means (a) an application for planning permission for development of an existing dwelling house or development within the curtilage of such a house for any purpose incidental to the enjoyment of the dwelling house or, (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development.

2.2 Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.

2.3 Where the Council has taken enforcement action through the serving of an Enforcement Notice then an appeal can be lodged in relation to that. An appeal cannot be lodged though in relation to a breach of condition notice on the basis primarily that if the individual did not like the condition then they could have appealed against that at the time it was originally imposed.

2.4 The appeals are determined by Inspectors appointed by the Secretary of State and administered by the Planning Inspectorate, which informs Medway Council of the Inspector's decision.

3. Options

3.1 Not applicable.

4. Advice and analysis

4.1 Not applicable.

5. Consultation

5.1 Not applicable.

6. Financial and legal implications

6.1 An appeal may be determined after a Public Inquiry, a Hearing or written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is alleged that either has acted in an unreasonable way. For appeals received after 1 October 2013, costs may be awarded at the initiative of the Inspector.

6.2 It is possible for decisions made by Inspectors on appeal to be challenged through the courts but only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure. A decision cannot be challenged just because an Authority does not agree with it. A successful challenge would result in an Inspector having to make the decision again in the correct fashion, e.g. by taking in to account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.

6.3 It is possible for planning inspectors to make a "split" decision, where they allow one part of an appeal but not another. This is not possible for the Council when it makes its original decision on the planning application other than for an advert application.

7. Risk Management

7.1 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the

Council's decision possibly resulting in poorer quality development and also costs being awarded against the Council.

8. Recommendations

- 8.1 This report is submitted for information only and therefore, there are no recommendations for the Committee to consider.

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Background papers

Appeal decisions received from The Planning Inspectorate for the period October to December 2013.

Appeal Decision Summaries

CHATHAM CENTRAL

52 Whyman Avenue, Chatham, ME4 5TR, Chatham Central, (MM):

MC/13/1203 - Refusal - 18 July, 2013 - Delegated

Construction of a two storey side extension

Allowed with Conditions

Main issues

Are the effect of the proposed extension on the character and appearance of the locality and on highway safety in relation to Whyman Avenue.

Reasons

Character and appearance

The two storey extension would not be visually bulky or unduly prominent within the street scene. The proposal would not harm the character and appearance of the street scene. The proposal accords with policy BNE1 of the Medway Local Plan 2003.

Highway safety

It is unlikely that a two storey side extension would lead to a materially harmful increase in traffic movements and there is on street parking within the area that is uncontrolled. The proposal would not result in demonstrable harm to highway safety and therefore accords with the aims of policy T2 of the MLP

Other matters

The second reason for refusal also refers to surface water drainage. The officer's report suggests that no water would run out onto the public highway from the proposal and there is already hardstanding to the front of the dwelling. It is unreasonable to require the appellant to provide details of how it would be drained, when the proposal relates to a two storey extension not the hardstanding which is already in place. The imposition of a condition requiring submission of details of the hardstanding in terms of surface water drainage has not been justified.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawings HM Land Registry (site plan) and 2026-001 Rev A.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

172A Palmerston Road, Chatham, ME4 6NE, Chatham Central, (AB):

MC/13/0402 - Refusal - 27 March, 2013 – Planning Committee

Conversion of existing office to a 1-bedroomed dwelling with associated parking

Dismissed

Main Issue

Is the effect of the proposed conversion on the living conditions of future occupants of No 172a Palmerston Road and on occupants of nearby dwellings.

Reasons

The proposal site is located to the rear of No 172 Palmerston Avenue. Adjoining the site is an unmade public footpath. No 172 is an end of terrace house with garden to the rear which is sited on a higher ground level compared to the appeal site sloping down to the same level. 172a has a number of windows and doors, which principally open out towards the rear elevation of no.172. In the rear garden of 172 there are two sheds, with an approximate 1.35 metre high boundary wall between the two sites. The sheds help screen direct overlooking from the kitchen of 172a into the garden. Notwithstanding this fact, the existing openings in the building are limited in number and would result in future occupants feeling an extreme sense of enclosure, given the limited outlook resulting from the closeness of the boundary with No 172 and sheds in the rear garden of No 172. To the front of the appeal site would be a garden; this would be the only private external space to serve the dwelling which is overlooked by first floor windows along the rear of the terrace facing Palmerston Road and from windows at ground floor level, particularly from No 172. The low height of the boundary wall means that it would not screen future occupants of the conversion from the upper windows of the rear of dwellings facing onto Palmerston Avenue or the ground floor windows of No 172. In particular the French doors shown to serve the Lounge/Diner would be almost directly opposite the rear elevation of No 172 allowing direct views into either property from occupants. Whilst a higher boundary treatment, such as a 2 metre high close boarded fence could be used, this would only exacerbate the sense of enclosure and lack of outlook issue identified. It is acknowledged that the building already exists and has previously been used as an office. However the use as residential accommodation is significantly different from the use as an office, in which activity would typically be limited to the working day.

Conclusion

The proposed use as a dwelling would mean that occupiers are likely to use the front garden area for recreation. However the difference in ground levels, presence of first floor and ground floor windows and siting of the garden space to the front of the dwelling would result in overlooking and loss of privacy for occupants of No 172a and of No 172. The proposal would therefore result in an unsatisfactory level of outlook and loss of privacy for potential occupants of 172a Palmerston Road, and an unacceptable level of harm to the privacy of occupants of No 172 Palmerston Road, contrary to policy BNE2 of the Medway Local Plan.

GILLINGHAM NORTH

112-114 High Street, Gillingham, ME7 1AU, Gillingham North, (MSP):

MC/12/2816 - Refusal - 17 January, 2013 - Delegated

Retrospective application for installation of metal security shutters to shop front

Dismissed

Main Issue

Is the effect on the character and appearance of the area.

Reasons

The shutters are already installed and are blue and of a 'pinhole' design, and cover the double shop frontage on to High Street. When not in use, the shutters roll back into a discrete shutter box below the signboard. The shutters that have been installed obscure the entirety of the shop windows and despite the presence of 'pinholes', have a relatively solid appearance. When in use they therefore present a dead frontage to the High Street and give the perception that the area is not safe. Consequently, the scheme creates a visually unattractive, harsh and hostile environment to the detriment of the streetscene on this pedestrianised part of High Street. The supermarket is open from 08:00 to 23:00 hours every day of the week and that the shutters would therefore only be down outside these times when the High Street is less likely to be visited reduces the harm, but it does not overcome the concerns.

Conclusion

The objective to provide additional security could be achieved by alternative shutter designs which would not cause such visual harm to the streetscene. The scheme causes harm to the character and appearance of the area and that this harm outweighs the security benefits. The proposal is therefore contrary to policies BNE1 and BNE9 of the Medway Local Plan 2003. Where security grilles or shutters are demonstrated to be necessary they should be designed to appear as an integral feature of the frontage and maintain a shop window display.

Corner Of Danes Hill and Dial Road, Gillingham, Kent, Gillingham North, (AB):

MC/12/2059 - Refusal - 25 October, 2012 - Planning Committee

Construction of five 3-bedroomed town houses with associated parking

Allowed with Conditions

Main Issues

are:

- i) the effect of the proposal on the character and appearance of the area;

- ii) the effect on the living conditions of neighbouring occupiers; and
- iii) whether the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings.

Reasons

i) The effect on the character and appearance of the area

The appeal site comprises an overgrown, vacant plot of land prominently located on the south side of Gads Hill/Danes Hill (the A289). The appeal site is located in a dip in the local topography. The surrounding area is predominantly residential in character with properties of a variety of styles and ages. Plot sizes and configurations in the vicinity are mixed and a variety of materials on the elevations of properties, including various types of brick and render. The proposed development does not reflect the building style or proportions of its immediate neighbours. Given the lack of any consistent design characteristics in the surrounding area, this contrasting form and style of building and plot size is not harmful to the character and appearance of the locality. Some landscaping would be provided to the front and sides of the site and this would provide some visual enhancement to the streetscene. Whilst the proposal is three-storey and the surrounding development is all two storey, the location in a dip in the local topography, together with the proposed shallow hipped roof, assist in reducing the apparent scale and massing of the proposed dwellings. The proposal makes use of a vacant plot of land prominently located within the urban area, which is overgrown and visually unattractive. The proposal will significantly enhance the appearance of the site and the streetscene and there are significant factors in favour of the scheme.

The proposal is not detrimental to the character and appearance of the area, and does not represent an overdevelopment of the site. The proposal does not conflict with policy BNE1 of the Medway Local Plan or the National Planning Policy Framework (NPPF)

ii) The effect on the living conditions of nearby occupiers

A first-floor balcony is proposed on the southern elevation facing the terrace of dwellings in Featherby Cottages. However, given the distance to the rear elevation of those dwellings, and the proposed obscure glazed screen on the rear and side elevations of the proposed balconies, no significant overlooking of either the dwellings or their gardens would result. Furthermore, the distance between the proposed dwellings and the rear elevation of Featherby Cottages, together with background noise levels, ensures that there would not be a significant effect on the living conditions within those properties as a consequence of additional noise or general disruption. The front elevation of nos. 61 and 63 Dial Road and the rear elevation of some properties in Lower Woodlands Road also face the appeal site. However, the Lower Woodlands Road dwellings are set at a considerably higher elevation than the appeal site and at a considerable distance, with an intervening access track, together with a row of garages, boundary fences and the rear gardens of the properties themselves. Consequently, there would not be a significant impact on the living conditions within those properties as a result of overlooking or general loss of privacy. The front elevation of nos. 61 and 63 Dial Road would face the side elevation of proposed unit number one which contains various habitable room windows. However, some degree of overlooking across a public highway is a common feature in many streets and the relationship in this instance would not be

unusual and would not result in a significant effect on the occupiers' living conditions through overlooking or loss of privacy.

Given the distance to all surrounding dwellings, there would not be a significant effect on living conditions due to loss of light within, or outlook from, those properties the proposal does not conflict with policy BNE2 of the Local Plan or the NPPF.

iii) Living conditions in the proposed properties

Each of the proposed units would be provided with a large south-facing first floor balcony and units one, four and five would also have a garden area. The proposed balconies would be screened by a 0.75m high panel of obscured-glass on a 1.05m high wall and would also be shielded to some extent from traffic noise from the A289 by the presence of the proposed buildings themselves. Consequently, whilst the outdoor space provided for each unit is not large, it is nonetheless of sufficient size and quality to give future occupiers private space to re. Whilst with windows open the evidence that the proposal appears to conflict with the standards set out in policy BNE3, noise mitigation measures to protect occupiers, such as appropriate glazing and mechanical ventilation measures, could be installed and this could be achieved by condition.

There are significant benefits in securing the development of this previously developed, vacant site. The site is also sustainable located within the urban area and accessible to local amenities, in accordance with the NPPF. These are significant benefits that outweigh any remaining concerns regarding the impact of noise on future occupiers' living conditions. Subject to an appropriate condition requiring a mechanical ventilation system, future occupiers' living conditions with regards to exposure to fumes would be acceptable in accordance with policy BNE2. The living conditions experienced by future occupiers would be acceptable and the proposal does not conflict with the requirements of policy BNE2. Given the need for flexibility where regeneration and other objectives are to be achieved, and subject to suitable noise insulation and mechanical ventilation measures, there is no conflict with the requirements of policy BNE3.

Other Matters

Access to the proposed development would be gained from Dial Road close to the junction with the A289. Visibility to the south at the site access is restricted by the presence of an adjacent garage and, given the proximity of the site access to the junction with the A289, vehicles coming from the north would not be seen until they have turned the corner into Dial Road. However, vehicle speeds on this section of Dial Road appear to be relatively low due to various constraining factors including the proximity to the junction with the A289 and the pinch point in the carriageway width adjacent to 1 Featherby Cottages. The access is suitable to serve the limited amount of traffic that would be generated by the proposal and that there would not be a significant effect on highway safety. The scheme includes the provision of 10 off-street parking spaces, which is sufficient given the sustainability of the location.

Overall Conclusion

The proposal accords with Local Plan policies and with the NPPF in favour of sustainable development.

LUTON & WAYFIELD

37 Roosevelt Avenue, Wayfield, Chatham, ME5 0HS, Luton & Wayfield, (MM):

MC/13/1230 - Refusal - 16 July, 2013 - Delegated

Construction of a two storey side extension incorporating hip roof to gable; porch to front and formation of block paved parking driveway to the front (demolition of detached outbuilding)

Allowed with Conditions

Procedural Matter

The appellant's statement refers to the possible hipping of the roof as an alternative. This change results in a scheme that is substantially different to that considered by the local planning authority and for which there are no plans to consider. The decision is based upon the application drawings given formal consideration by the Council.

Main Issue

Is the effect of the proposal on the character and appearance of the area.

Reasons

Many of the dwellings in Roosevelt Avenue have two storey extensions of varying designs to the side. The development would provide some balance and symmetry to the appeal dwelling and its semidetached neighbour at No 39 by reason of its similar matching design and scale. The street has a mixed character and appearance where the existence of first floor gaps separating dwellings is not an overriding characteristic. Within this context, the loss of some first floor space between Nos 35 and 37 would not be materially out of character or appearance. Furthermore, the proposal would improve the appearance of the appeal dwelling and the adjoining semi-detached dwelling which currently appear disharmonious due to their differing sizes.

Conclusion

The proposal would not have a materially harmful effect on the character and appearance of the area. Accordingly, the development would comply with Policy BNE1 of the Medway Local Plan 2003 which, amongst other matters, requires development to be appropriate to the character and appearance of the built environment with reference to scale, location of buildings and spaces.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan scale 1:1250; unnumbered

proposed block plan scale 1:200; unnumbered proposed cross section plans scale 1:50; numbered plan 331 Rev A proposed and existing elevation, floor and block plans various scales.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

PRINCES PARK

Land between 34 and 35 Heathfield Close, Chatham, Princes Park, (MP):

MC/12/2728 - Refusal - 13 February, 2013 - Planning Committee

Construction of a 2-bedroom detached chalet bungalow - Resubmission of MC/12/1604

Allowed with Conditions

Procedural Matters

Reason 1 of the Council's decision notice makes reference to the South East Plan which has been revoked, this reference should now be disregarded. The correct drawing reference numbers are Nos 10, 11, 12 and 13 and site location plan rather than as detailed in Appendix 1 of LPA's statement.

Main Issues

Are the effect of the proposed development upon:

- (a) the character and appearance of the host site and of the surrounding area;
- (b) the existing parking conditions in the area.

Reasons

Character and appearance

The proposal is to erect a chalet bungalow and follows pre-application discussions with the Council. The scheme has been designed to address previous concerns, including implications for the living conditions of adjoining occupiers and the impact upon local character and appearance. Whilst the dwelling would sit adjacent to terraces of larger properties and have a significantly lower ridge height, it would not appear so out-of-place as to be incongruous. Rather, it would appear as a subservient addition to the terrace with a not dissimilar design whilst respecting the established building line and enjoying a similar footprint to the adjacent property at No 34. The site is relatively enclosed by other dwellings and would offer limited exposure within the wider street-scene. The scheme would make no provision for off-street parking and would instead need to rely upon the availability of communal parking spaces/on-street parking. Significant on-street parking does not appear visually attractive, but large areas of communal parking are already established features of the local area.

Parking

A significant number of parking spaces exist in the vicinity of the appeal site. Whilst the new dwelling may generate additional demand there is no compelling evidence

that the existing availability of spaces in the area is insufficient to meet that additional need, or would thereby unduly inconvenience residents seeking to park. Off-street parking would also not be consistent with the general pattern of development in the area.

Other Matters

The proposed development would make formal use of an informally grassed area, and would add an extra unit of accommodation to the local housing stock.

The siting and design of the dwelling would not lead to undue loss of light, overlooking or other loss of privacy to neighbouring properties. The implications for planting in adjacent properties would be a civil matter to be resolved between the interested parties.

Conclusion

The proposed development would not be harmful to the character or appearance of either the host site or of the surrounding area and would not be contrary to Policies BNE1 and BNE2 of the Local Plan, or to the aims of the NPPF. The proposed development would not be harmful to existing parking conditions in the area and would not be contrary to Policies BNE2 and T13 of the Local Plan.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with approved plans reference Nos 10, 11, 12 and 13 and site location plan.
3. No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

RAINHAM CENTRAL

94 Woodside, Rainham, Gillingham, ME8 0PN, Rainham Central, (WS):

MC/13/0193 - Refusal - 15 March, 2013 - Delegated

Construction of a two bedroomed detached bungalow (Resubmission of MC12/2186)

Allowed with Conditions

Procedural Matter

It is noted that the decision notice refers to policy SP3 of the South East Plan 2009 (SEP). This policy within the SEP has now been revoked¹. This has not therefore been afforded any weight in the decision.

Main Issues

Are the effect of the proposed development on the character and appearance of the area and on the living conditions of occupants of the proposed and nearby dwellings in terms of privacy, outlook and dominance, overshadowing by trees, and noise and disturbance.

Reasons

Character and Appearance

The proposal is located in the rear garden of No 94, which has been subdivided by a boundary fence and would be accessed via a track between Nos 94 and 96 Woodside. Two houses are in the process of being built on a neighbouring site. Whilst the garden and parking area serving the dwelling would not be as large as others within the locality, they would be appropriate in scale to the proposed dwelling. The proposal wouldn't harm the character and appearance of the area. The proposal accords with Policies BNE1, H4 and H9 of the Medway Local Plan 2003 (MLP).

Living Conditions

The proposed dwelling is approximately 18.6 metres and 26.2 metres from adjacent dwellings. Whilst there are openings in the rear elevations of Nos 94, 92 and 96, views are either obscured by mature vegetation or indirect, together with the 2 metre close boarded fencing around the boundary of the site it's unlikely that the proposal would result in a material loss of privacy for future occupants of the proposed dwelling. Likewise, given the proposed height of the dwelling and the boundary treatments proposed it's unlikely that a single storey bungalow would result in a material loss of privacy for adjoining neighbours. The reason for refusal states that there is the risk of significant overshadowing from trees adjacent to the site. The largest trees are to the east and west of the appeal site. The principal openings in the dwelling would face out onto the garden area to the south, therefore these trees aren't a particular issue in terms of loss of light for occupants of the proposed dwelling. Trees to be implemented on an adjacent development site would be situated on the other side of the boundary, beyond the garden area serving the bungalow. This would provide adequate space and would not lead to an unacceptable level of overshadowing or visual dominance for future occupiers. The existing and proposed trees adjoining the site would not result in unacceptable overshadowing for occupants of the proposed bungalow. The proposed dwelling would be situated adjacent to the access drive serving the two partially built houses. to the rear of Woodside. Concerns have been raised that the proposal would result in unacceptable noise and disturbance from vehicle movements. However the level of activity arising from one additional dwelling proposed, in terms of traffic or pedestrians, would remain within the limits expected in a residential area such as this. The proposal would not therefore result in a materially harmful level of noise or

disturbance for existing and future occupants of the locality, or cause significant harm to the overall quiet residential amenity of the area.

Conclusion

The proposal would not result in unacceptable harm to the occupants of the adjoining dwellings in terms of privacy, outlook or dominance, overshadowing by trees, noise or disturbance, nor would it result in unacceptable harm to potential future occupants of the proposed dwelling. The proposal is therefore considered to accord with MLP Policies BNE1 and BNE2.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: CR/12/128.01 rev B date stamped 'received 7 February 2013'.
3. No development shall take place until details and samples of all materials in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.

RIVER

197 High Street, Rochester, ME1 1EY, River, (SF):

MC/13/0825 - Refusal - 28 May, 2013 - Delegated

Demolition of two storey building to facilitate change of use of land to car parking

Allowed with Conditions

Main Issue

Is the effect of the demolition of the two storey building on the character and appearance of the Star Hill to Sun Pier Conservation Area.

Reasons

The appeal building is free-standing and unoccupied with the ground floor windows boarded up. From the sequence of historical maps the appeal building has a substantially different footprint from the rows of buildings which previously occupied the site. It was probably constructed between 1898 and 1909 following the demolition of the row of smaller buildings and, therefore, has little relationship with earlier phases of development of the site. The building had a number of unremarkable commercial uses before becoming vacant in 1993. There is no substantive evidence to suggest that the building itself has particular architectural or historic significance. Architecturally, the Area is characterised by late Georgian and early Victorian buildings. The land surrounding the appeal building is largely used for

car parking related to a motor sales business. The *Star Hill to Sun Pier Planning and Design Strategy* describes this area as having a 'diluted grain' and identifies it as a development opportunity site without provision for the retention of the appeal building. The Star Hill and High Street boundaries of the site are enclosed by a substantial brick wall. From most public viewpoints it occupies an indeterminate, middle distance location. These characteristics limit its contribution to the wider townscape. The building does provide some relief to an otherwise featureless area of car parking. However, this is more than offset by the way in which it partially blocks views to the former County Court building from Corporation Street. This road is one of the main approaches to the Conservation Area and the distinctive and ornate tower of the former County Court building is a local landmark. However, its contribution to the Area is undermined by the roof of the appeal building which blocks a substantial portion of the tower. The appeal building makes a limited contribution to the character and appearance of the area which is outweighed by the benefit that demolishing the building would have on opening up views to the tower of the former County Court building.

Conclusion

The appeal proposal would bring about a slight enhancement of the character and appearance of the Conservation Area and would not, therefore, conflict with Medway Local Plan policy BNE13 nor would it conflict with the advice at paragraphs 131 to 132 of the National Planning Policy Framework (the Framework). There is nothing to indicate that the local plan policy referred to above is in conflict with the Framework.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PSA/HE/001 and PSA/HE/002.
3. The car park use hereby permitted shall not be commenced until the building has been demolished in its entirety and the material arising has been completely removed from the application site.

197 High Street, Rochester, ME1 1EY, River, (SF):

MC/13/0781 - Refusal - 28 May, 2013 - Delegated

Conservation area consent for the demolition of two storey building to facilitate change of use of land to car parking

Allowed with Conditions

Main Issue

Is the effect of the demolition of the two storey building on the character and appearance of the Star Hill to Sun Pier Conservation Area.

Reasons

The appeal building is free-standing and unoccupied with the ground floor windows boarded up. From the sequence of historical maps the appeal building has a substantially different footprint from the rows of buildings which previously occupied the site. It was probably constructed between 1898 and 1909 following the demolition of the row of smaller buildings and, therefore, has little relationship with earlier phases of development of the site. The building had a number of unremarkable commercial uses before becoming vacant in 1993. There is no substantive evidence to suggest that the building itself has particular architectural or historic significance. Architecturally, the Area is characterised by late Georgian and early Victorian buildings. The land surrounding the appeal building is largely used for car parking related to a motor sales business. The *Star Hill to Sun Pier Planning and Design Strategy* describes this area as having a 'diluted grain' and identifies it as a development opportunity site without provision for the retention of the appeal building. The Star Hill and High Street boundaries of the site are enclosed by a substantial brick wall. From most public viewpoints it occupies an indeterminate, middle distance location. These characteristics limit its contribution to the wider townscape. The building does provide some relief to an otherwise featureless area of car parking. However, this is more than offset by the way in which it partially blocks views to the former County Court building from Corporation Street. This road is one of the main approaches to the Conservation Area and the distinctive and ornate tower of the former County Court building is a local landmark. However, its contribution to the Area is undermined by the roof of the appeal building which blocks a substantial portion of the tower. The appeal building makes a limited contribution to the character and appearance of the area which is outweighed by the benefit that demolishing the building would have on opening up views to the tower of the former County Court building.

Conclusion

The appeal proposal would bring about a slight enhancement of the character and appearance of the Conservation Area and would not, therefore, conflict with Medway Local Plan policy BNE13 nor would it conflict with the advice at paragraphs 131 to 132 of the National Planning Policy Framework (the Framework). There is nothing to indicate that the local plan policy referred to above is in conflict with the Framework.

Conditions

1. The works hereby authorised shall begin not later than three years from the date of this consent.
2. The works hereby authorised shall be carried out in accordance with the following approved plans: PSA/HE/001 and PSA/HE/002.
3. The car park use permitted under appeal reference APP/A2280/A/13/2200493 shall not be commenced until the building has been demolished in its entirety and the material arising has been completely removed from the application site.

ROCHESTER EAST

Sherwood House, 209-211 Maidstone Road, Rochester, ME1 3BU, Rochester East, (CS):

Part retrospective application for the construction of a two storey extension to side together with a part two/part single storey rear extension; insertion of rooflights to side to provide additional care home accommodation and facilities together with alteration to existing rear outbuilding (removal of dormer and conservatory)

Allowed with Conditions

Main Issues

- a) The effect of the extensions upon the character and appearance of the surrounding area.
- b) The impact of the development upon the living conditions of nearby residents, specifically those at 207 and 213 Maidstone Road.
- c) Whether the parking provision is adequate to serve the extended care home.

Reasons

a) Effect upon character and appearance.

The property comprises a pair of substantial three/four storey Victorian villas that were combined and converted to provide accommodation for the elderly in the mid 1980's. The home is sited on sloping ground, which falls away to the rear from Maidstone Road. It is currently vacant with partially completed single and two storey extensions to the rear. Planning permission for a two storey side extension and part single/part two storey rear extension was granted by the Council on 13 December 2007 (ref: MC/07/0946) However, the rear extensions were not constructed in accordance with the approved plans by the previous owners of the site, culminating in successful Enforcement action by the Local Planning Authority. The Enforcement Notice required demolition of the unauthorised extension and removal of rubble from the site. Much of this unauthorised structure remained in situ. Following a change in ownership the current owners have sought to provide an acceptable design that would accord with the Council's adopted policies, whilst providing upgraded accommodation for the residents. The scheme seeks to create a more coherent and complementary design in relation to the host building as compared to the earlier permission. The projection of the two storey element is marginally greater than that previously approved. The single storey extension projects rearwards by a greater distance than that approved, nevertheless, this element of the proposal would have a lower roof height and be largely glazed, thereby reducing its visual impact. Although the combined additions project into the rear garden well beyond any extensions to nearby residential properties, this breach of the established rear building line in the locality is not such as to render the scheme unacceptable. The appearance of the area will also be enhanced by reducing the bulk of the outbuilding within the rear garden and the removal of its unattractive dormer window.

Given the quality of the overall design, in particular the fenestration of the rear extensions and the use of pitched roofs as against the rather unattractive flat structures of the permitted scheme, on the first main issue that development as proposed is acceptable with reference to the established character and appearance of the surrounding area such that it will accord with Policy BNE1 of the Local Plan.

b) Impact upon living conditions.

Adjacent dwellings at 207 and 213 Maidstone Road have expressed concerns as to the impact upon their living conditions of the existing rear extensions and those now proposed. There will be no loss of sunlight or daylight to nos. 207 or 213 and there will be no unacceptable impact in terms of overshadowing. Any overlooking of habitable room windows to nos. 207 and 213 would be at an oblique angle, such that there will be no loss of privacy. The relationship of the rear extensions with the rear private gardens and patio areas of the two dwellings is such that there will be no unacceptable loss of amenity by reason of overlooking, given the existence of fences and shrub screening within the gardens of nos. 207 and 213.

On the second main issue the development as proposed will not have an unacceptable impact upon the living conditions of nearby residents, and accord with Policy BNE2 of the Local Plan.

c) Adequacy of car parking provision.

The Council's adopted parking standards for residential care homes require a maximum provision of one space per six residents and one space per staff member. It is proposed that the home will accommodate thirty-three residents and between three and ten members of staff at any one time, generating a maximum provision of fifteen spaces. A total of five spaces are proposed to the rear of the site with two tandem spaces at the front. This type of use generally produces a low number of vehicle movements, as evidenced by surveys of similar sites. Parking provision will remain the same as previously, but will be properly demarcated on site, while the number of residents at the appeal site will be reduced to thirty-three from the thirty-six permitted by virtue of the 2007 permission. The scheme complies with currently adopted parking standards. It is also relevant that the site is well located, with a 'bus service operating along Maidstone Road every thirty minutes, whilst it is within a short walking distance of the City centre and the densely populated adjacent residential areas.

On the third main issue that the proposed parking provision is adequate to serve the extended care home.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The unauthorised extension attached to the outbuilding providing staff accommodation, together also with the dormer extension to the structure, shall be removed within a period of three months from the date of this decision.
3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including any necessary making good to the roof and walls of the outbuilding following the removal of the dormer and extension shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No more than 33 residents shall reside at the property at any one time.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 2012/21/P01: Location Plan – scale 1:1250, Block Plan – scale 1:200.
Drawing no. 2012/21/P03: Lower Ground Floor Plan – scale 1:100.
Drawing no. 2012/21/P04: Ground Floor Plan – scale 1:100.
Drawing no. 2012/21/P05: First Floor Plan – scale 1:100.
Drawing no. 2012/21/P06: Second Floor Plan – scale 1:100.
Drawing no. 2012/21/P07: North Elevations – scale 1:100.
Drawing no. 2012/21/P08: South Elevations – scale 1:100.
Drawing no. 2012/21/P09: East Elevation and Illustrative Rear View – scale 1:100.

ROCHESTER WEST

Land to the rear of 73, 75 & 77 High Street, Rochester, ME1 1LS, Rochester West, (CS):

MC/12/0389 - Refusal - 25 October, 2012 - Planning Committee

Demolition of existing single storey office buildings to rear and construction of a block of 8 residential units and conversion of remaining part of existing single storey office building to rear to 1 residential unit

Dismissed

Planning history

Listed building consent for similar proposals to those that are the subject of this appeal was granted in May 2012 under reference MC/12/0614. However, planning permission is also needed for the new build elements of the scheme. This revised scheme attempted to address the concerns raised and was recommended for approval.

Main Issues

Are the effect of the proposed development on;

- (i) the living conditions of occupiers of neighbouring properties and of the new flats with particular regard to quality of outlook and, in the case of future occupiers of the flats, cramped living conditions, and
- (ii) the setting of the adjacent listed buildings and the character and appearance of the Historic Rochester Conservation Area.

Site and surroundings

The appeal site lies to the rear of the grade II listed buildings at 73 – 77 High Street and includes part of their gardens. The land lies within the Historic Rochester Conservation Area

Reasons

Living conditions

The Council is not opposed in principle to some small scale residential development in this location and has raised no objection to the form and design of the buildings in terms of their appearance, only in respect of the density of the proposed new built form on the site and the proximity of it to the existing buildings. The outlook from flats 1, 3, 5, 7, 8 and 9 would, be acceptable. The Cottage has only one window looking directly onto the new building and this is proposed to be obscure glazed. However, the relationship between flats 2 and 6 and the rear wall of the Cottage would be too close and restrict the outlook from the living areas of the flats to a harmful extent. The ground floor flats in the new building would look into a courtyard described as a shared amenity area and access to the existing properties. Even if the courtyard was only used as an escape route by the occupants of the shops at 73 and 75, it would allow them to have views into the living area of flats 1 and 2 and the bedroom of the Cottage. The layout would be unsatisfactory. Flats 2 and 6 would also have their bedroom windows directly adjacent to the communal walkway that gives access to flats 1 and 3 (on the ground floor) and 5 and 7 (on the first floor) and there could consequently be privacy issues for their occupants. Flat 4 would have the only window to the living/bedroom area 2m from a wall over 2m high. This would result in an oppressive outlook and sense of enclosure for the occupants. These 3 flats and flats 3 and 9 would also have floor areas significantly below those recommended in the adopted Medway Housing Design Standards 2011(MHDS). The combination of the factors outlined above would result in unacceptable living conditions for the future occupants of flats 2, 4 and 6 and a less than ideal situation for those in flats 1, 3 and 9 and the Cottage. These problems are a result of the number of units that the appellant has attempted to fit into the scheme.

Conclusions

The proposal would be an over-development of the site and therefore conflicts with policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraph 17 the National Planning Policy Framework

Listed building setting and Conservation Area

The new building has been carefully designed reflecting development along the High Street and would sit comfortably in the historic setting and not harm either the setting of the listed buildings or the character and appearance of the Conservation Area.

Decision

Due to the internal layout of the individual units and the consequent impact on the living conditions of future occupiers the appeal is dismissed.

STROOD NORTH

Rose Inn, 1-3 Catherine Stret, Rochester, ME1 2HJ, Strood North, (SF):

MC/13/0315 - Refusal - 13 June, 2013 - Delegated

Advertisement consent for the retrospective installation of 3 externally illuminated fascia signs, 2 internally illuminated projecting box signs and 9 poster boards

Dismissed

Main Issue

Is the effect of the proposals upon the character and appearance of the surrounding area.

Reasons

The property is a former public house (The Rose Inn) that has been converted to provide a small supermarket which serves the surrounding residential area. The signage and illumination has already been installed. The overall effect of the changes to the two main elevations is to increase the impact of the building at night to the detriment of the subdued residential character of its surroundings. The 9 poster boards that have been fitted over the existing window openings provide both security and prevent views through the windows of the backs of shelves located within the supermarket and appear to accord with the requirements of the 2007 Regulations. The replacement of the previous down lighting at eaves level with two up lights offers a waste reduction in light pollution as compared to the previous lighting, which is no longer in use. Nevertheless, they have the effect of illuminating the upper floors of the building, which unacceptably increases the overall impact of the structure as seen from the adjacent streets and residential properties. It is necessary for the appellant and his advisers to reconsider the intensity of the illumination to the supermarket generally and, in particular, the effect of the up lights in creating a wall of light in this quiet residential area until late in the evening.

Conclusion

The combined effect of the signage and illumination is damaging to the character and appearance of the surrounding area. As such, to permit its retention in its present form would be contrary to the objectives of Policies BNE1 (ii), BNE5 and BNE10 (i), (ii) and (iii) of the Local Plan and paragraph 67 of the National Planning Policy Framework.

STROOD RURAL

Pear Tree Cottage, Noke Street, Wainscott, Rochester, ME3 8BJ, Strood Rural, (ME):

MC/13/1053 - Refusal - 29 July, 2013 - Delegated

Construction of a double garage and porch to front (removal of existing planter)

Dismissed

Main Issue

Is the effect of the development upon the character and appearance of the surrounding countryside and that of the host dwelling.

Reasons

Pear Tree Cottage is a small detached bungalow, which forms part of a group of dwellings and farm buildings. It is located beyond the settlement of Wainscott, within open countryside. The bungalow has recently been extended. The decision paragraph 6 refers to the size and bulk of the extension would be partially off-set by the demolition of a garage. It is now proposed to replace the earlier garage with an attached double garage and porch, which will project at right angles forward of the front elevation of the bungalow. Modest extensions to existing dwellings are permitted beyond the settlement boundaries, normally these shouldn't increase the floorspace of the original dwelling by more than 25%. This scheme, taken with the earlier extension, would represent an increase over the floorspace of the original small bungalow of 120%. The appellant contends that the provision of a garage would enhance the appearance of the area by enabling cars, children's bicycles and other paraphernalia to be stored out of sight. The Planning Officer in his report raised no objection to the provision of a small front porch.

Conclusion

The garage would be prominently located forward of the existing front building line of Pear Tree Cottage. This, combined with its roof height and overall size, would render the garage prominent in the landscape. Furthermore, it would be at odds with the simple design of the original bungalow, projecting at right angles to that structure. The development as proposed would have an adverse effect upon the character and appearance of the surrounding countryside and that of the host dwelling, contrary to Policies BNE1 (i) and (ii) and BNE 25 (i) and (vi) of the Medway Local Plan.

Appeal Cost Decision Summaries

There were no cost decisions for this quarter.

APPENDIX C

Report on Appeal Costs

Appeals prior to 2011/12					
Ref.	Site	Proposal	Decision type	Costs	Comment
MC/05/0263	Trechmanns Wharf Cuxton (Cuxton & Halling Ward)	Re-use of land as wharf : siting of prefab building, 2 cranes, lighting and new access road to Rochester Road	Delegated	For	Legal pursuing costs
ENF/12/0006	28A East St, Chatham (Chatham Central Ward)	Demolition of garage premises + construction of a 3 bedroomed mid terrace house		Against	Legal negotiating costs
COMP/ 07/0012	Thameside Terminal Cliffe (Strood Rural)	Construction of roadway, buildings, change of use of land by subdivision to 9 plots for storage, transport and haulage and Portacabin businesses – all with no planning permission	Enforcement	For	Legal pursuing costs from Panther Platform Rentals and Britannia Assets (UK) Ltd

Appeals 2011/12					
Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/11/0094	113 Imperial Rd Gillingham (Gillingham South Ward)	Conversion to 2 x 2 bed flats with no planning permission	Enforcement	For (partial)	Legal pursuing costs

Appeals 2011/12

Ref.	Site	Proposal	Decision type	Costs	Comment
MC/10/1737	Forge Cottage, 214 Bush Rd, Cuxton (Cuxton & Halling Ward)	Outline for 3 bed detached dwelling	Delegated	For (partial)	Costs of <u>£90.42 paid in full 30/04/2012</u>
COMP/09/0154	Medway Manor Hotel 14-16 New Rd Rochester (River Ward)	Erection of wooden outbuilding on site without planning permission	Enforcement	For (partial)	Costs of <u>£217.91 paid in full 20/01/2012</u>

Appeals 2012/13

Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/11/0282	2 Livingstone Circus Gillingham (Watling Ward)	Change of use of ground floor to mixed use resi and A1 retail use without permission	Enforcement	For (partial)	Costs of <u>£243.36 paid in full 20/11/2013</u>
ENF/10/0141	Riverview Manor Rochester (Rochester West Ward)	Planning breach : mixed use of resi, recovery, repair and storage of vehicles and storage of catering van and container	Enforcement	For	Legal pursuing costs
MC/13/0280	Plot 1, Merryboys Stables, Cliffe Woods (Strood Rural Ward)	Construction of shed to side of dwelling (resubmission of MC/12/0818)	Delegated	For	Costs of <u>£276 paid in full 30/12/2013</u>