

## **PLANNING COMMITTEE**

**5 FEBRUARY 2020**

### **REPORT ON APPEAL DECISIONS 1 OCTOBER TO 31 DECEMBER 2019**

Report from: Richard Hicks, Director of Regeneration, Culture, Environment and Transformation & Deputy Chief Executive

Author: Dave Harris, Head of Planning

#### **Summary**

This report informs Members of appeal decisions. The summary of appeal decisions for those allowed or where decisions were made by the Committee contrary to officer recommendation is listed by ward in Appendix A.

A total of 16 appeal decisions were received between 1 October and 31 December 2019, of which 7 were allowed and 9 were refused, including 1 withdrawn. There were no appeals in relation to enforcement.

A summary of appeal cost decision summaries is set out in Appendix B and overall information on appeal costs is set out in Appendix C.

#### **1. Budget and Policy Framework**

1.1 This is a matter for the Planning Committee.

#### **2. Background**

2.1 When a planning application is refused, the applicant has the right to appeal. The timescale for lodging an appeal varies depending on whether the application relates to a householder matter, non householder matter or whether the proposal has also been the subject of an Enforcement Notice.

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.
- 2.5 In accordance with the decision made at the Planning Committee on Wednesday 5 July 2017, appendix A of this report will not summarise all appeal decisions but only either those which have been allowed on appeal or where Members made a contrary decision to the officers' recommendation.

### **3 Advice and analysis**

- 3.1 This report is submitted for information and enables Members to monitor appeal decisions.

### **4. Consultation**

- 4.1 Not applicable.

### **5. Financial and legal implications**

- 5.1 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. Powers have now been introduced for Inspectors to award costs if they feel either party has acted unreasonably irrespective of whether either party has made an application for costs.
- 5.2 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 into account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.
- 5.3 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.

### **6. Risk Management**

- 6.1 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.

- 6.2 The quality of decisions is reviewed by Government and the threshold for designation on applications for both major and non-major development is 10% of an authority's total number of decision. For the 24 months to the end of March 2018, the number of decisions overturned at appeal for major applications is 3.3% and 1.0% for non-major applications. Where an authority is designated as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate.

## **7. Recommendations**

- 7.1 The Committee consider and note this report which is submitted to assist the Committee in monitoring appeal decisions.

### **Lead officer contact**

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### **Appendices**

- A) Summary of appeal decisions
- B) Appeal costs
- C) Report on appeal costs

### **Background papers**

Appeal decisions received from the Planning Inspectorate for the period 1 October to 31 December 2019.

**APPEAL DECISION SUMMARY**

**Appeals decided between 01/10/2019 and 31/12/2019**

**MC/17/2642**

**1 Gibraltar Cottages, Ham Lane, Hempstead – Lordswood and Capstone Ward**

Allowed with Conditions – 5 June 2018 - Delegated

Change of use of existing outbuilding to self-contained holiday let

Allowed with conditions – 2 October 2019

**Summary**

No. 1 Gibraltar Cottage is one of a pair of semi-detached cottages that are located in open countryside to the south of Gillingham. The M2 motorway is not far to the south and the cottages are located in a pleasant rural location that appears both isolated and remote from the built up area.

Both the appellant and the Council agree that the appeal building is suitable as a holiday let and is not suitable for permanent residential use. The main issues are whether conditions 3 and 4 are reasonable and necessary in order to prevent the permitted holiday accommodation being used as permanent residential accommodation and the keeping of records, so that the Council is satisfied that the holiday accommodation is being used as such.

Conditions 3 and 4 restrict the holiday occupancy, both in terms of that it shall not be occupied for more than 28 consecutive days at any one time and be limited to the period from 1 February to 30 November in each year.

There was no suggestion by the appellant that a maximum limit of 28 days on the duration of each letting is unacceptable, but rather that prohibiting letting the accommodation throughout the entire months of December and January is unreasonable. The appellant also considered the requirement to retain a written log/record of guests for a period of 10 years to be excessive.

The Council felt letting the unit constantly for every week of the year would essentially result in a residential use taking place. The Inspector considered this would not be the case as a maximum limit of 28 days would prevent permanent residential occupation. The Inspector also concluded that the maintenance of a log/record was reasonable and necessary to demonstrate that the property is being used as a holiday let but that the amount of information required is excessive and the wording of the condition lacks precision about the period of time the log should be retained. The Inspector felt both of these defects could be addressed through revisions to the wording of the condition.

The Inspector concluded that planning permission MC//17/2642 is varied by deleting conditions 3 and 4 and replacing them with a substituted condition 3. The revised condition 3 states '*The accommodation herein permitted shall only be occupied as a holiday let and shall not be occupied for more than 28 consecutive days at any one*

*time. A written log/record detailing the name, address and contact details of the individual or one of the guests in each group staying at the holiday let, the number in each group and the dates of their arrival and departure shall be kept whilst the holiday let use hereby permitted, is taking place, The prescribed information about each separate person or group staying at the premises shall be retained on the register for a period of 10 years from the date of departure of that individual or group. The written log/record of the holiday guests at The Premises shall be made available to the Local Planning Authority within 48 hours of a written request being delivered to The Premises'.*

## **MC/18/0938**

### **14 Lincoln Close, Strood – Strood South Ward**

Refusal – 14 August 2018 – Delegated

Construction of a 2-bedroomed end of terrace house (demolition of existing garage)

Allowed with Conditions – 23 December 2019

### **Summary**

No. 14 is located towards the centre of a large residential estate and is positioned at the end of a row of terraced dwellings set at a right angle to Southwell Road. The property has a relatively large front garden which wraps around to the side into a smaller rear garden. Immediately beyond the rear garden is a small section of carriageway which provides on-street parking as well as turning facilities. Most properties in Lincoln Close do not have off-street parking and there is a reliance on on-street parking in the area.

The main concern is whether or not the parking arrangements associated with the development would be acceptable having regard to its effect upon the character and appearance of the area, living conditions at neighbouring properties and pedestrian safety.

The Council's adopted parking standards require at least one on-site space to serve the proposed dwelling. None are proposed but the existing single off-street space serving No. 14 would be retained. However, as the appeal site is some distance from the town centre, the Inspector felt that it was likely that any future occupants would own one or two cars.

The appellant had submitted parking surveys at Southwell Road and Lincoln Close, which shows there would be existing on-street capacity to accommodate for the limited number of additional vehicles associated with the proposal. This reinforced the Inspectors assessment made during a site visit.

Taking into account that the area is not within a controlled parking zone, the Inspector concluded that the surrounding streets would be capable of appropriately absorbing the additional parking demand created by a single new dwelling. Even though this is in conflict with the requirements of the Council's parking standards the Inspector felt it would not result in any significant harm. As unlawful parking on footways and verges could be effectively managed through other

mechanisms/legislation, the Inspector was not persuaded that vehicles associated with the proposal would unacceptably prejudice pedestrian safety or exacerbate the harm to the character of the area.

The appeal site is within six kilometres of the North Kent Marshes Special Protection Area (SPA). The Inspector considered that the occupants of the proposed development are likely to visit the site, and when combined with other development in the area, would have a significant effect on the habitat designation. The appellant has provided and executed a Unilateral Undertaking (UU) and this would secure £239.61 to fund strategic measures across the Thames, Medway and Swale Estuaries. Consequently, the Council withdrew its objection in relation to this matter.

The Inspector considered the conditions put forward by the Council and amended the wording where necessary in the interests of clarity and simplicity. The Inspector also imposed conditions requiring the submission of a Construction Environmental Management Plan and details of boundary treatments and refuse storage, ensuring that materials for the external surfaces of the proposal match those at No 14 and removing permitted development rights. In addition, a condition requiring details of cycle parking was felt necessary in the interests of reducing the reliance on the use of private cars. It was also felt necessary in the interest of human health and the interest of the character and appearance of the area to impose conditions to require details of any external lighting and a condition ensuring that any unexpected contamination found at the site is suitably dealt with.

## **MC/18/3114**

### **Avenue Tennis Club, Glebe Road, Gillingham – Watling Ward**

Refusal – 20 February 2019 – Committee Overturn

Construction of eight 4-bedroomed dwellings with associated parking and access road (demolition of existing extension to 26 Second Avenue)

Dismissed – 8 November 2019

### **Summary**

The appeal site comprises three former lawn tennis courts and a small pavilion and associated buildings located to the rear of residential properties along First Avenue, Second Avenue and Glebe Road. Vehicular and pedestrian access to the site would be from Second Avenue.

The main issues are the effect of the scheme on the living conditions of neighbouring occupants; the character and appearance of the area; and vehicular and pedestrian access to and from Second Avenue.

The Inspector felt that overlooking from the 2 three-storey properties within the proposed development close to the rear of the properties along Glebe Road and similarly the overlooking from the 3 two storey properties proposed on plots 1-3 to the rear of properties along Second Avenue would be unacceptable. As regards those properties on First Avenue, the issue of potential loss of privacy does not arise due to the length of their rear gardens.

In response to these concerns, the appellant argues that the Council should consider including a condition requiring frosted glass to be used for the relevant windows. The Inspector does not consider such a condition to be practical or desirable as the second and third storeys of the new dwellings will accommodate bedrooms facing the rear and would therefore be detrimental to the living conditions of the future occupants.

The Inspector concluded that the proposed dwellings at plots 1-3 and 7-8 will result in an unacceptable loss of privacy in the gardens of the relevant properties along Second Avenue and Glebe Road.

The Inspector also considered that the introduction of 8 dwellings into the site will change the character and appearance of the area and due to the small back gardens the proposed development is too cramped for the site. Notwithstanding the 4 recently constructed townhouses to the rear of Glebe Road, the introduction of 2 three-storey dwellings will be very dominant and incongruous and thus harmful to the character and appearance of the area.

Access to the development will be via a new road, 4.8 metres wide, into Second Avenue between nos. 26 and 28. Whilst it will be wide enough for emergency access there is no provision for any pedestrian pavement. The Inspector concluded that the lack of a pavement linking the site to Second Avenue, combined with the existing level of on-street parking, is likely to present an unacceptable safety hazard to pedestrians walking to and from the scheme. However, the Inspector did concur with the Council that the shortfall of the on-site car parking provision is only marginal and thus immaterial.

The appellant's application for an award of costs is refused.

## **MC/18/3599**

**486 Lower Rainham Road, Rainham**– Rainham North Ward

Refusal – 22 March 2019 – Committee Overturn

Change of use from residential (Class C3) to office (Class B1(a))

Allowed with Conditions 15 October 2019

## **Summary**

The appeal site is located to the south west of Lower Rainham Road within the settlement of Lower Rainham. The site is a two storey detached dwelling set within a generous plot. A detached outbuilding is sited to the north east of the dwelling set behind a substantial brick wall and gates. There is a small front garden and hard surfacing for parking of vehicles on the frontage of the site, with a pedestrian and separate vehicular access from the highway. There are currently four bedrooms on the first floor, with kitchen, lounge, dining and sitting room on the ground floor. No internal or external works are proposed. The existing rooms would be used to provide office accommodation, and parking arrangements would remain as existing.

The office space would be used by a total of six full and part time employees, carrying out administration for the Bespoke Brick Company.

The proposed development would result in the loss of a four bedroom dwelling and as there is no evidence to suggest that the existing dwelling is unsuitable for ongoing residential occupation, the proposal needs to be considered in the context of any benefits it would provide to the local community. As the proposal is small scale and the administrative nature of the business means that it would be unlikely to be noticeable from outside the building, the Inspector felt it would not harm the predominately residential character and appearance of the area. In the longer term the proposal would provide employment opportunities for local residents, a benefit which the Inspector considers weighs heavily in favour of the proposal.

In the interests of protecting the living conditions of existing residents, the Inspector imposed a condition to restrict the working hours.

Further conditions have been suggested to control future development of the site; the storage of materials, plant and other equipment in the outbuilding or in the open but the Inspector found no evidence to demonstrate that these conditions are necessary. The Inspector considered concerns raised in relation to heavy rush hour traffic and access from the highway due to single lane traffic restrictions but as these are matters that could affect the property, irrespective of whether it is in a residential or office use, felt they would not be a reason to withhold permission.

## **MC/19/0273**

### **Garage Block Rear of 15-17 Doddington Road, Twydall – Twydall Ward**

Refusal – 31 July 2019 – Committee Overturn

Demolition of 26 lock up garages and construction of five 3-bedroom town houses with associated parking and refuse storage with on-site parking for 13 cars

Dismissed – 27 November 2019

### **Summary**

Doddington Road is characterised by two storey dwellings set towards the front of their respective plots and arranged in terraces and semis in a way that frames and creates the street. This provides a clear frontage building line with garden areas behind. The appeal site encompasses a collection of garages arranged around a central hard standing and is an unusual built incursion behind the frontage building line. There is a single narrow access into the appeal site from Doddington Road and the garages are low in profile and not readily apparent from the public realm.

The appeal scheme would result in a terraced row of houses in a 'backland' position. The terrace would appear as a large and imposing structure and therefore an overly conspicuous departure from the existing pattern of development and an over development of the site. There would be little additional landscaping to soften the development in views from Doddington Road and an arboricultural impact assessment has not been provided. The Inspector considers this to be important as the scheme is reliant on some existing landscaping to screen views from the north east.

Although the appeal scheme would have several positive features such as the terrace form and the orientation of the houses to front the entrance into the site creating a pleasing mews character and present an agreeable environment at the site entrance, the Inspector felt these elements of the design would not mitigate for the scale and massing of the proposal. The Inspector concludes that the appeal scheme would harm the character and appearance of the area.

The access into the appeal site would be narrow with insufficient space for two vehicles to pass one another or for a vehicle to comfortably pass a pedestrian. There is the risk that vehicles entering the site would need to reverse out into Doddington road. However the access is long standing having been used in association with the existing garages and as there is no evidence demonstrating it proved to be unsafe in the past, the Inspector is satisfied that the access would be safe and suitable.

The appeal site is located within a 6km zone around the SPA as set out in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy. The Inspector is satisfied that the residential development would provide a pathway of effect for adverse recreational disturbance that would result in a likely significant effect on the SPA. The appellant has indicated a willingness to pay the contribution to mitigate the effect on the SPA, but this has not been paid.

The appeal scheme would deliver several benefits including support for the local economy but there is little to suggest this would have more than a limited effect. The proposal would modestly boost housing supply and also make use of previously developed land (PDL). However, the Inspector considered many of the foregoing benefits could be achieved with a more sensitively designed redevelopment of the appeal site.

The Inspector shares the view of the Council that some form of development would be acceptable given its status as PDL. Little evidence of the site being subject to antisocial behaviour has been provided and the Inspector felt the site could be secured to prevent this from occurring and generally tidied up.

The Inspector does not find it necessary to address concerns in relation to construction noise, parking and the impact on the living conditions of neighbouring residents as the appeal would fail even if no harm was found.

The Inspector concludes that although the scheme would provide safe and suitable access, it would have a significant adverse effect on the SPA and harm the character and appearance of the area.

The application for an award of costs is refused.

**MC/19/0360**

**32 The Shoreway, St Marys Island, Chatham – River Ward**

Refused – 12 June 2019 – Committee Overturn

Replacement of the existing 1.8m high fencing with railings to rear of boundary; (part retrospective) replacement of and extension to existing patio to rear and side of

property; construction of low level brick planters/retaining wall, incorporating an aquatic feature and seating area

Allowed with Conditions - 26 November 2019

## **Summary**

The appeal site is within an area that is residential in character. To the northern side of The Shoreway, dwellings and their rear gardens are situated between the carriageway and the River Medway. The fences to either side of the appeal property are reasonably tall and provide screening between respective garden areas.

The main issues are the effect of the proposed low-level brick planters/retaining wall, incorporating an aquatic feature and seating area, on the living conditions of neighbouring occupiers, with particular regard to privacy.

The proposed development includes several raised areas incorporating an area of seating adjoining the rear boundary and side boundary to 30 the Shoreway and a planter adjacent to the boundary with 34 the Shoreway and a hard-surfaced area above an aquatic feature adjoining the rear boundary. Given their design, the Inspector felt that when sat on these elements, it is unlikely that the occupants of the appeal property would be able to overlook the gardens or ground floor accommodation of neighbouring properties to any greater extent than an individual stood within the garden. The Inspector also considered it was unlikely that the occupants of the appeal property would stand on any of the raised areas to the extent it would be harmful to the privacy of the rear of the neighbouring properties. Given the depth of the raised areas it would be equally unlikely that they would accommodate garden furniture to enable occupants to sit in a more elevated position. The Inspector was also mindful that there would be overlooking of rear gardens within the Shoreway from the first-floor balconies and windows of dwellings.

The Inspector concluded that the proposed development would not be harmful to the living conditions of neighbouring occupiers with regards to privacy.

The proposal also includes for the replacement of the close boarded fence to the rear of the dwelling with 1.8 metre high metal railings and a replacement patio and artificial grass area, which has already been implemented. The Inspector considered these elements to be modest, both in their size and design, and would not be harmful to the character and appearance of the area or the living conditions of neighbouring occupiers. The Council has raised no objection in these respects either.

As most aspects of the appeal scheme have already been implemented, the Inspector specified in the decision that development shall be carried out in accordance with the proposed plans and elevations and those aspects of the planning permission not yet implemented, the proposed development is also subject to the standard three year time limit condition.

## **MC/19/0703**

### **34 The Causeway, St Marys Island, Chatham – River Ward**

Refused – 12 June 2019 – Committee Overturn

Part retrospective application for construction of raised planters and decking to rear together with replacement of garden fence and installation of an external spiral staircase to rear

Allowed with Conditions - 14 November 2019

#### **Summary**

The appeal site accommodates a three-storey terraced property. The dwelling has a full width balcony at first floor level which projects beyond the main rear wall. The adjoining dwellings are similar in design and also have first-floor balconies. There are tall wooden garden fences with landscaping which form the boundary with the adjoining dwellings.

It is the raised decking that is positioned at the midpoint of the rear garden and has five steps leading up to it that formed the basis of the Council's reason for refusal. It is set away from the boundaries of the adjoining properties and is of a similar height to the service alley that backs on to the rear garden allowing views of the River Medway.

Views into the gardens of the neighbouring properties are possible, however they are limited due to the existence of the tall wooden boundary fencing and the mature landscaping. The Inspector was also mindful that the full width balconies at first floor level directly overlook the adjoining properties and the gardens do not have a significant degree of privacy.

The Inspector concluded the proposal would not harm the living conditions of the neighbouring properties with regard to overlooking. The Inspector felt the decision would not set a precedent for similar proposals as each application is determined on its own merits, with regard to their particular individual circumstances.

The Inspector imposed a condition that the development is carried out in accordance with the approved plans and felt a condition concerning external materials is required in the interests of the character and appearance of the area.

## **MC/19/1420**

### **41 Downland Walk, Walderslade, Chatham – Princes Park Ward**

Refused – 26 July 2019 – Delegated

Conversion of the existing garage into habitable space

Allowed with Conditions - 15 November 2019

## **Summary**

The appeal property is a mid-terrace town house located on the western side of Downland Walk. The property benefits from an off-road parking space on the driveway and partially within the integral car port. There is an integral garage, which is intended to be used as a second off road parking space.

The proposed works would prevent the garage from being used as an off-road parking space and the main issue in this appeal is the effect of the proposed development on highway safety and residential amenity, with particular reference to parking.

The Council's parking standards require three and four-bedroom dwellings to have two off road parking spaces. The appellant intends to retain only a single parking space claiming that the space within the integral garage has very little room to open the door to an average width car when parked in the garage. In fact, the available space would be so limited as to make use of the garage as a parking space impractical, particularly if residents have difficulties with their mobility. In this respect, the Inspector noted that the appellant's wife is registered as disabled. Taking into account the garage at the appeal site is well below the preferred width of a single garage suggested by Kent County Council of 3.6m, and that the Council's parking standards state that a garage should be excluded (as a parking space) if less than 7m in length by 3m in width, the Inspector shares the appellant's view that the existing integral garage should not be considered a parking space.

Given the dimensions of the garage, the Inspector felt it was not surprising that occupants of other properties nearby have converted their garages and that the garage at the appeal site is used as a store rather than a parking space. Condition 6 of planning permission MC2002/1507 does not prevent the use of the garage for storage or require it to be kept free for its intended use as a parking space. Thus, the Inspector considered even if the appeal were dismissed, it is highly unlikely the garage would be used as a parking space.

Accordingly, the Inspector concluded that the appeal scheme would not result in additional pressure to park on-street as this pressure already exists because the garage is unusable as a parking space. It therefore follows that the appeal scheme would not harm highway safety and residential amenity.

The only condition the Inspector considered necessary to impose is that the proposal is implemented in accordance with the submitted drawings.

The application for an award of costs is refused.

## **MC/19/1941**

**Land adj to 3 Swingate Avenue, Cliffe, Rochester** – Strood Rural Ward

Refused – 23 September 2019 – Delegated

Construction of a detached 2-bedroomed dwelling

Allowed with Conditions - 4 December 2019

## Summary

The appeal site forms part of the rear and side garden to No 3 Swingate Avenue, which is one of a pair of semi-detached dwellings orientated at an angle towards the junction with Thatchers Lane.

The main issue is the effect of the proposal on the character and appearance of the area.

The proposal would introduce a two storey detached dwelling into an open area of garden. A reasonably large area of rear and side garden would be retained for No. 3. The development would be in close proximity to the common boundary and neighbouring single storey garage at No. 5 but would maintain a reasonable degree of separation from No. 5 at second floor level. Given the modest scale of the proposal, the Inspector found that it would maintain sufficient separation between the neighbouring dwelling such that it would avoid appearing unduly cramped within its plot. As the proposed dwelling would be of a similar scale, design and build line of No. 5 and its adjoining neighbour, the Inspector also felt the proposal would assimilate well with the neighbouring row of houses subject to the use of materials for its construction being carefully controlled.

The Inspector also observed there to be more recent development of several terraced dwellings together with a number of infill dwellings in the immediate vicinity of the appeal site. As the proposal would be of a similar scale to the infill dwelling when viewed from public vantage points, the Inspector felt the proposal would relate well to the denser pattern of development and the character and appearance of this part of Swingate Avenue with its junction with Thatchers Lane.

The Inspector concluded the proposal would not appear overly dominant or uncharacteristic and therefore it would not unduly harm the character and appearance of the surrounding area.

The Inspector considered the various other matters raised and felt many of the objections related to the main issue. The concerns in relation to traffic generation, pollution, loss of on-street parking and safe access onto the highway were also noted but the Inspector was not persuaded on the evidence before him that a scheme of this scale would lead to significant impact.

The appeal site is located within 6kms of the SPA sites and the Council is satisfied that the effect of the proposed development on over-wintering bird interest can be mitigated through a financial contribution to fund strategic measures across the Thames, Medway & Swale Estuaries.

The Inspector considered the suggested conditions put forward by the Council and amended some for consistency or clarity and omitted others. The Inspector imposed a condition specifying external materials to safeguard the character and appearance of the area. A condition requiring the layout of parking space is considered necessary to protect the safety of highway users. A construction management plan is also necessary to safeguard the living conditions of neighbouring occupants as a pre-commencement condition and this has been formally agreed by the appellant. A condition requiring the provision of a number of bird bricks to be built into the dwelling is imposed to safeguard biodiversity.

The Council requested conditions requiring the removal of permitted development rights. However, the Inspector felt information had not be provided to justify any exceptional circumstances for the removal of permitted development rights.

## **APPENDIX B**

### **APPEAL COST DECISION SUMMARIES**

There were no applications for costs during the quarter 1 October 2019 to 31 December 2019.

## APPENDIX C

### REPORT ON APPEALS COSTS

<u>Appeals 2017/2018</u>					
Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/14/0418	Land adj to Gamerci, known as Harewood, Matts Hill Road, Hartlip	Without planning permission the change of use of the land to residential for the stationing of 3 touring caravans, erection of a day room, shed, storage of vehicles, erection of timber kennels, erection of fencing and creating of hardstanding	Appeal made by John Peckham (deceased) against an enforcement notice	For	Appeal costs claimed £7,257.43 in letter dated 27/09/2017. No response yet received. Legal taking action.
MC/14/3063 and MC/15/5177	Flanders Farm, Ratcliffe Highway, Hoo	Removal of condition 17 to retain buildings, hardstanding and access	Committee overturn	Against	Appeal costs paid £35,000 29/11/2018

<u>Appeals 2018/2019</u>					
Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/10/0624	Orchard Stables Meresborough Road Rainham	Without planning permission the change of use of the land to residential including the stationing of 2 mobile homes, erection of a brick built day room, laying of		for	06/08/2018 decision - full costs awarded.  Cheque for £17,300. received 09/10/2018 88 (full costs requested)

		hardsurfacing, erection of close board fencing & gates and the creation of a new access			
MC/18/0805	Rose Cottage 326 Hempstead Road Hempstead	Demolition of existing bungalow to facilitate construction of 6 bed bungalow + detached 6 bed house	Committee overturn	Against	09/01/2019 : £3,562.50 costs paid

### Appeals 2019/2020

Ref.	Site	Proposal	Decision type	Costs	Comment
MC/18/2739	260 Wilson Avenue, Rochester	Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)	Delegated	Against	25/07/2019 : £12,938 costs paid <b>High Court judgement on JR</b>
MC/18/2739	260 Wilson Avenue, Rochester	Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)	Delegated	Against	24/09/2019 : £1,871 costs paid <b>Court order</b>