



# Appeal Decision

Site visit made on 30 May 2019

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 July 2019

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**Appeal Ref: APP/A2280/W/18/3218239**

**8 Ivy Street, Rainham, Gillingham ME8 8BE**

- 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 Gary Berg against the decision of Medway Council.
  - The application Ref MC/18/2653, dated 10 September 2018, was refused by notice dated 25 October 2018.
  - The development proposed is the erection of a new 3 bed house.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a new 3 bed house at 8 Ivy Street, Rainham, Gillingham ME8 8BE in accordance with the terms of the application, Ref MC/18/2653, dated 10 September 2018, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - highway safety.

## Reasons

### *Character and appearance*

3. The appeal site comprises curtilage land to the side of the host property on the east ribbon of Ivy Street. The proposal is for a detached, 2-storey house with parking to the front and rear amenity space.
  4. The surrounding built form is of tight-knit rows of properties that face the public highway in a high density, urban environment. Most of the buildings are positioned immediately adjacent to the public footpath, although notably a short distance away, 2-4 Ivy Street is set back from the prevailing building line and has forecourt parking similar to that proposed at No. 8.
  5. I note that surrounding properties are not locally or statutorily listed and the appeal site is not located in a conservation area. In design terms the buildings are not of any particular architectural merit. As noted above the building line along this side of Ivy Street is not entirely uniform and, amongst other things, there are differences in property heights, materials and other detailing. To my mind these characteristics create variation in built form and such differences add to the visual interest of the area.
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6. The appeal scheme proposes parking to the front of the new dwelling and the Council argues that this would result in a car dominated form of development. However, the present environment along Ivy Street is currently dominated by parked vehicles on the highway. I consider that the formation of the forecourt parking would not be markedly at odds within this context.
7. The National Planning Policy Framework (the Framework) states at paragraph 127 that development should not prevent or discourage appropriate innovation or change. In my view, the forecourt parking area would add further variation to the street scene, that would not detract from the visual quality of the dwelling or the locality.
8. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. It would comply with the requirements of Policy BNE1 and H4(ii) of the Medway Local Plan May 2003 (LP), which seek to ensure the design of development should be satisfactory and respect the scale, appearance and location of buildings. It would also be consistent with the Framework which states that good design is a key aspect of sustainable development.

#### *Highway safety*

9. The proposal would provide 2 off-street parking spaces for the new property. The Council contends that the spaces would not be of adequate size and as such vehicles would overhang the highway. The appellant has demonstrated within the grounds of appeal that 2 spaces can be provided on the front that would be at least 4.8 metres in length by 2.4 metres in width. I am satisfied that the Council's concerns in this regard have therefore been addressed.
10. The development, whilst comprising parking spaces of sufficient dimensions, would be at the expense of parking for the existing 3 bedroom house. Policy T13 of the LP states that 3 bedroom properties should have 2 off-street parking spaces. However the policy does allow parking standards to be applied flexibly when a site can be considered to be within a sustainable location with frequent and extensive links to public transport. In this respect the site is located close to a rail station and bus stops and within walking distance of the town centre. It is therefore in an accessible location where standards could be applied flexibly.
11. I observed during my site visit that the area is a dense residential environment with high levels of on street parking in bays restricted by permits. At the time of my visit, on a Thursday morning, on street parking spaces were available close to the appeal site. Whilst I accept this is only a snap shot in time, it is an indication that on street parking is not difficult to achieve during the daytime on a weekday, and my findings are also reflected by the appellant's surveys.
12. In the absence of clear evidence of local parking stress I do not consider that the proposal would result in a material shortage in provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency it would have an unacceptable impact on highway safety. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, and this has not been proven in this case.

13. As the site lies in an accessible location where development using alternative means of transport should be encouraged, I conclude that the parking provision would be adequate to accommodate the new dwelling and such arrangements unlikely to harm highway safety. The proposal therefore broadly accords with Policies T3, T13 and BNE2 of the LP, which seek to secure the amenities of the future occupants of development and those enjoyed by nearby and adjacent properties having regard to traffic generation and to provide parking in accordance with parking standards. The proposal is also consistent with the advice in the Framework which seeks to ensure development does not have an unacceptable impact on highway safety.

#### *Other matters*

14. Local residents have expressed a range of other concerns over the impact of the proposal, including loss of light and privacy, impacts on wildlife, lack of local infrastructure, and damage to property. However, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

#### **Conditions**

15. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. External materials are specified on the approved plans and so a further condition governing this is unnecessary.
16. The application form proposes the use of timber fencing, also shown on the plans, so a condition in this respect is unnecessary. To ensure no adverse loss of privacy a condition is imposed requiring obscure glazing to the first floor flank windows serving the landing and bathroom.
17. A pre-commencement condition requiring the submission of a construction management plan would control site operation both in the interests of the living conditions of adjacent occupants and highway safety. It is necessary to impose a condition concerning potential land contamination to minimise the impact on the local environment.
18. The Council has requested that a condition be imposed restricting the use of the property within Class C3 of the Use Classes Order. However, this would require a further application to be submitted and is therefore superfluous. In the interests of highway safety I have attached conditions concerning the access and parking.

#### **Conclusion**

19. For the reasons given above I conclude that the appeal should be allowed.

*C Hall*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TAB/06/14A, TAB/06/15A, TAB/06/16A, TAB/06/17A, TAB/06/45, TAB/06/46.
  - 3) The building hereby permitted shall not be occupied until the windows serving the landing and bathroom in the first floor, south-facing flank elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. The windows shall be permanently retained in that condition thereafter.
  - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
    - a) the parking of vehicles of site operatives and visitors;
    - b) loading and unloading of plant and materials;
    - c) storage of plant and materials used in constructing the development;
    - d) the erection and maintenance of security hoarding;
    - e) wheel washing facilities;
    - f) measures to control the emission of noise, dust and dirt during construction;
    - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
    - h) delivery, demolition and construction working hours; and
    - i) site contact details in case of incident.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
  - 6) The dwelling shall not be occupied until space has been laid out within the site to a permeable means of construction in accordance with the plans for cars to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles.
  - 7) The dwelling shall not be occupied until pedestrian inter-visibility splays of 2m by 2m to each side of the access, the depths measured from the back edge of

the footway and the widths outwards from the edge of the access. No fence, wall or other obstruction to visibility above 0.6m in height above ground level shall be erected within the area of these splays.