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## Appeal Decision

Site visit made on 15 July 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

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**Appeal Ref: APP/V2255/W/25/3359007**

**51 Parsonage Chase, Minster-on-sea, Kent ME12 3JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Greg Sullivan on behalf of South Leas Developments against the decision of Swale Borough Council.
  - The application Ref is 24/501388/FULL.
  - The development proposed is erection of detached bungalow with associated parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In addition to viewing the site from no 51 and public vantage points, during my site visit I viewed the site from the garden area of no 49A at the request of the occupant who had provided written comments in response to the application.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of occupants of dwellings, no 5 Tysoe Court and nos 49A, 51, and 53 Parsonage Chase, with particular regard to outlook and noise and disturbance.

### Reasons

4. The appeal site comprises garden land associated with no 51 Parsonage Chase. The host property is a detached bungalow in a long plot, within a row of four bungalows of similar form and scale.
5. The proposed dwelling would be sited behind no 51 at the end of its back garden. Beyond the site's rear boundary is no 5 Tysoe Court, a two-storey dwelling. The side boundaries adjoin dwelling plots for bungalows, no 53 to the south, and no 49A to the north. The appeal site is therefore enclosed by dwelling plots and the wider area comprises a mix of bungalows and two-storey houses and has a modern, suburban character.
6. The proposed dwelling would be single storey with a hipped roof. The eaves height would be 2.5m and the roof ridge height would be 5m. The proposed dwelling would therefore significantly exceed the height of the proposed 2m tall, close-boarded fence boundary treatments.
7. No 5's rear elevation faces the appeal site, and its small garden provides limited separation from the boundary. The proposed dwelling would be close to the

- shared boundary, and at its shortest distance would be around 8.2m from no 5. Therefore, there would be limited separation between the dwellings.
8. The proposed dwelling would have sections of hipped roof, and its rear elevation would have a stepped form to provide sightlines from no 5 ranging from 11m at its closest point, to 19m at the highest point of the roof. However, the proposed dwelling would span most the width of no 5's plot. Therefore, the proposal would result in extensive built form close to the shared boundary.
  9. Views from no 5 would comprise blank sections of wall and hipped roofs at the east elevation above the boundary treatment. The proposed landscaping scheme shows hedgerow planting along the boundary with no 5. However, the proposed dwelling would be visible above or through gaps in vegetation and therefore the proposed planting would not wholly mitigate the adverse impacts on outlook.
  10. Due to the proposed dwelling's height and mass and the limited separation between the proposed dwelling and no 5's rear elevation, the proposal would have a harmful enclosing effect on no 5. The proposed dwelling would appear visually dominant and overbearing from no 5's garden and rear-facing rooms. Whilst I note the change in ground levels between the site and no 5, I do not consider this would adequately mitigate the adverse effects on outlook.
  11. The proposed dwelling's long, north elevation would extend along a significant portion of the shared boundary with no 49A. The proposal would therefore introduce substantial built form close to this shared boundary which would significantly exceed the height of the fence. In addition, two trees near the shared boundary would be removed to accommodate the development, thereby reducing the vegetation screening between the plots.
  12. The proposed dwelling would be very close to the boundary with no 49A. There would be a separation distance of just 5.75m between the proposed dwelling and no 49A's end elevation, which contains the main kitchen window. In addition, the proposed dwelling would be close to no 49A's modest garden, including its patio area. Through its height, siting close to the shared boundary, and scale and mass, the dwelling would appear bulky and imposing from no 49 and its garden.
  13. The roof angle of the hipped roofs has been designed to avoid a harmful loss of daylight to surrounding dwellings. Nonetheless, as set out above, the bulk and mass of the built form close to nos 5 and 49A would result in a harmful loss of outlook for occupants of those neighbouring properties.
  14. The dwelling would be accessed from the highway via a driveway situated between nos 51 and 53. The driveway would occupy most of the width of the modest gap between the dwellings. Vehicles travelling along the driveway would pass close to nos 51 and 53's rear gardens and fenestration at the side elevations.
  15. Whilst the volume of traffic using the access would be relatively low, due to its close proximity to nos 51 and 53, I consider the proposal would expose occupants to harmful noise and disturbance from vehicle movements.
  16. The appellant contends the proposal would be similar to other nearby development. No 49A is served by an access which runs between nos 49 and 47. However, the gap between nos 47 and 49 appears wider and with a more



spacious relationship between dwellings and the side boundaries. Therefore, the access arrangement is materially different from the appeal proposal.

17. Dwelling no 49A is situated behind the row of dwellings at Parsonage Chase. However, whilst close to a row of terraced houses behind, it does not experience the extent of enclosure as the appeal site. In addition, the two bungalows to the rear of nos 144 and 146 Minster Road appear to have greater separation from surrounding dwellings. Therefore, I do not consider the proposed development would be justified by other backland development in the area.
18. As set out above, having particular regard to outlook and noise and disturbance, the proposed development would significantly harm the living conditions of occupants of nos 5 Tysoe Court and nos 49A, 51, and 53 Parsonage Chase.
19. The proposal would therefore conflict with Policies CP4 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 which require development proposals be of high-quality design that is appropriate to its surroundings, including in respect of scale, height and massing, and cause no significant harm to amenity and other sensitive uses or areas.

#### **Other Considerations**

20. The proposal would provide a net increase of one dwelling and therefore would make a small contribution to the area's housing supply.
21. The proposal would make efficient use of land through utilising garden land within a built-up area, and planting of native species hedgerow and trees would support biodiversity. The proposal would therefore provide a small environmental benefit. In addition, there would be small economic benefits during construction of the development, and future occupants would contribute local spending.
22. The Council indicate it has a housing land supply equivalent to 3.98 years, and therefore cannot demonstrate a five-year supply of specific, deliverable housing sites as required by paragraph 78 of the National Planning Policy Framework (the Framework).
23. In this circumstance, the provisions of paragraph 11(d) of the Framework are engaged, including 11(d)(ii) which requires permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
24. Whilst the key policy at Framework paragraph 129 supports development that makes efficient use of land, it requires decisions take into account the importance of securing well-designed, attractive and healthy places. As set out above, I have found the proposal would harm the living conditions of occupants of no 5 Tysoe Court and nos 49A, 51, and 53 Parsonage Chase. Therefore, the proposal would not satisfy the key policy at paragraph 135 of the Framework which requires proposals function well and provide a high standard of amenity for existing users. The key policy at Framework paragraph 139 requires development that is not well designed be refused. Therefore, I afford significant weight to the conflict between

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the proposal and SBLP Policies CP4 and DM14 and consider the proposal would conflict with the development plan as a whole.

25. As described above, the benefits associated with the proposal would be small, even taking account the Framework's objective of boosting significantly the supply of housing and the Council's housing land supply position. Such benefits therefore carry modest weight in the scheme's favour
26. Consequently, the adverse impacts of the proposed development on living conditions would significantly and demonstrably outweigh the scheme's benefits. Therefore, the presumption in favour of sustainable development would not apply.

#### **Other Matters**

27. Natural England indicates that increases in residential accommodation in the proposed location may adversely impact the integrity of the Medway, Thames and Swale Estuary Special Protection Area SPA and Ramsar sites through increased recreational disturbance.
28. Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal for other substantive grounds which result in conflict with the development plan, it is not necessary to address the proposed development's effects on European sites in further detail.

#### **Conclusion**

29. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

*E Dade*

INSPECTOR