
Appeal Decision

Site visit made on 8 November 2016

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 December 2016

Appeal Ref: APP/U2235/W/16/3153903

Redic House, Warmlake Road, Sutton Valence, Kent ME17 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Wade against the decision of Maidstone Borough Council.
 - The application Ref 16/500489/OUT, dated 18 January 2016, was refused by notice dated 17 March 2016.
 - The development proposed is for a detached single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached single dwelling at Redic House, Warmlake Road, Sutton Valence, Kent ME17 3LP in accordance with the terms of the application, Ref 16/500489/OUT, dated 18 January 2016, subject to the following conditions: -
 - 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) No development shall take place until details of an ecological enhancements scheme has been submitted to and approved in writing by the local planning authority. The ecological enhancements shall be carried out in accordance with the approved details.

Preliminary Matters

2. The application was submitted in outline with all matters reserved with the exception of access. I have dealt with the appeal on this basis, treating the site plan and elevations as illustrative, with the exception of the proposed access.
 3. I have taken the appellant's name from the planning application form, although I note that a first name is given on the appeal form.
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Main Issues

4. The main issues in this case are:

- a) Whether the proposal is an appropriate location for new residential development with regard to the special strategy of the development plan;
- b) The effect of the proposal on the living conditions of adjoining occupiers particularly in regard to noise; and,
- c) The effect of the development on the character and appearance of the area.

Reasons

Location for new residential development

5. The proposal relates to an undeveloped rectangular area of land that is enclosed on all sides by fencing with hedgerow planting on the western boundary where the site abuts an open field. Existing residential and commercial development abuts the site on its other boundaries. The appeal site is unmaintained rough grass land.
6. The proposed development is to erect a single dwelling on the site. This dwelling would occupy a backland location, with vehicular and pedestrian access being achieved via the track that passes between Redic House and Marwood House.
7. The appeal site lies outside the designed settlement boundary as defined by Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (the Local Plan). The policy adopts a restrictive approach to general housing development and defines exceptional circumstances in which development will be acceptable outside the settlement hierarchy. None of these circumstances apply in the case of the appeal proposal, and so the appeal scheme would conflict with this policy.
8. There is dispute as to whether the Council is able to demonstrate a 5 year supply of housing land. I am aware of the Council's assertion that it has a 5 year future housing land supply but this is currently under examination and at this point in time I am unable to conclude that a 5 year supply is in place. Paragraph 47 of the National Planning Policy Framework (the Framework) and, in such circumstances, paragraph 49 instructs that policies for the supply of housing should not be considered up to date. Therefore only little weight can be given to Policy ENV28 insofar as it relates to the settlement boundaries. The presumption in favour of suitable development at paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I must, therefore, determine the appeal on this basis.
9. Paragraph 30 seeks to encourage developments which support reductions in greenhouse gas emissions and reduce congestion; and, subject to specific exceptions, paragraph 55 seeks to avoid new isolated homes in the countryside. In respect of the last point, Warmlake has no defined settlement boundary, but it comprises numerous houses and buildings and other uses. The appeal site is located between Redic House and Warmlake Business Site and existing residential dwellings to the east and is separated from the open

countryside to the west by wire fencing and a tall hedgerow. The dwelling would not be considered isolated by virtue of being on its own.

10. Although Warmlake Road does not provide pedestrian footpaths that link with the A274 the short walking distance to the pedestrian footpath along the A274 would not be particularly dangerous over the short length. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot. Westlake is also well served by buses and I observed bus stops on the A274 within close proximity to the junction with Warmlake Road. The occupiers would not be dependent upon the use of private vehicle.
11. For these reasons I conclude that the proposed development would be in a sustainable location in terms of access to services. It would not conflict with the aims and principles of the Framework and in particular to paragraph 17 that seek to ensure a good standard of amenity for all existing occupants of land and buildings.

The living conditions of adjoining occupiers

12. Access is to be considered at this stage. The site access would make use of the existing access from Warmlake Road which is currently shared by 2 properties and would provide both vehicular and pedestrian access.
13. Concerns are raised to the increased use of the private access as it would result in additional noise and disturbance to the occupiers of adjacent properties. The proposal would generate movement along the narrow access adjacent to adjoining occupier's boundaries. Both adjoining properties are set away from the access and, in part, separated by outbuildings. Tall fencing or hedges denote the boundary along the access. Some movement would be noticeable to the occupiers of these properties, however, the occupiers of a single dwelling would not give rise to significant vehicle or pedestrian movements. I do not consider the noise and disturbance generated by an additional household would increase vehicle noise and activity to a level that would harm the living environment of adjoining occupiers or the recreational enjoyment of their gardens.
14. For these reasons, I conclude that the proposed development would not cause harm to the living conditions of adjoining occupiers. The proposed development would not conflict with the aims of Policy ENV28 of the Local Plan which seeks new development not to harm the amenities of surrounding occupiers.

Character and appearance of the area

15. The proposal relates to an area of undeveloped land. The appeal site is enclosed on three sides by existing built development and detached from the open countryside to the west by a fence and tall dense hedgerow. The site is not readily visible from the open countryside or Westlake Road.
16. A property known as West Mead is positioned behind the existing frontage development along Warmlake Road. With regard to character and appearance the siting of a single dwelling set behind frontage development within a plot of a similar size to those close by with a spacious curtilage would not depart from the prevailing pattern of development in this area. I acknowledge that whilst layout, scale, appearance and landscaping are reserved for future

consideration, the illustrative proposal suggests the erection of a 2-storey dwelling could be achieved, similar to other 2-storey dwellings close by, including that of West Mead. A development acceptable in these respects would be subject to further agreement and could be designed to reflect local vernacular.

17. Whilst this development would further consolidate residential development at Westlake, I have no reason to doubt that an appropriate dwelling could be accommodated appropriate to the prevailing context and density of surrounding development. As the proposal would relate closely to the existing built development around it and would not project toward the adjoining open countryside, I do not consider the proposal would appear visually intrusive in views from the open land to the west.
18. I have had regard to the other recent examples of planning permissions at Warmlake. Whilst none of these are directly comparable to the appeal scheme a reasonable number of new dwellings have been approved in the area within close proximity to the Westlake crossroad junction. Notwithstanding these permissions, my opinion is that the proposed development would be acceptable on its own merits.
19. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. It would be sustainable in this regard and I find no conflict with the specific aim of Policy ENV28 of the Local Plan which seeks new development not to harm the character and appearance of the area.

Other Matters

20. In reaching my decision, I have taken into account the concerns raised by interested parties.
21. The access is shared and concerns are expressed about hazards arising as blind accesses open onto it. Vehicle movement along this access and from driveways would be low and slow moving. It would be unlikely to create highway safety issues. Furthermore, the increased use of the access and additional traffic generation would not be significant or adversely impact on the local highway network. Sutton Valence Parish Council considers the access is inadequate, however, the Council's Highway Officer does not raise an objection to the proposal. Parking and turning are not being considered at this stage but I consider there would be appropriate space within the site to provide these. Wear and tear of the access and damage caused by construction vehicles would be a matter for the owners.
22. The illustrative plans show a dwelling could be erected at a central position within the appeal site. Although the dwelling could be 2-storey I consider a dwelling could be positioned at the appeal site in such a way that would not cause harm to the living conditions of existing and future occupiers.
23. I am satisfied that landscaping can be dealt with as part of a reserved matters application and can deal with existing trees. With regard to ecology the site could be a receptor for reptiles. However, a Reptile Survey supporting the application indicates that no reptiles were present at the site at the time of the survey. The proposed development would incorporate a sustainable drainage system, therefore, inconvenience caused by flooding could be avoided.

24. I note concern expressed that the proposal could pave the way for more intensive development at the site. I must consider the appeal before me and each application should be considered on its own merits.
25. None of the other matters raised would amount to adverse impacts which would significantly and demonstrably outweigh the benefits I have found. The proposal would consequently constitute a sustainable form of development for which there is a presumption in favour.

Conditions

26. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. Conditions relating to the time limits and approval of the reserved matters are appropriate and should be applied in the interests of certainty. Matters pertaining to appearance, layout and landscaping are reserved for future consideration, therefore, conditions relating to materials, parking and turning layout, boundary treatment and landscaping are not necessary at this stage as they would be the subject of reserved matters. A condition relating to ecological enhancements is necessary in the interests of supporting and promoting biodiversity interests of the site.

Conclusions

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR