The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/U2235/W/16/3155831
89 Badger Road, Lordswood, Chatham, Kent ME5 8XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Danny Birkby against Maidstone Borough Council.
- The application, Ref 16/502026/FULL, is dated 2 February 2016.
- The development proposed is described as 'Building on top of existing ground floor dwelling to create an upstairs first storey bedroom and en suite.'

Decision

1. The appeal is dismissed and planning permission is refused.

Application for Costs

2. An application for costs was made by Mr Danny Birkby against Maidstone Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal follows the failure of the Council to determine the application within the statutory time limit. However, the Council's appeal statement confirms that, had it been in a position to do so, the application would have been refused for two reasons relating to the effects of the proposal on character of the street scene and neighbouring buildings. I have framed the main issue accordingly.

Main Issue

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

Reasons

5. The appeal property is a two storey, end of terrace dwelling. It is, therefore, typical of the properties on the east side of Badger Road where short terraces are staggered and irregularly spaced to follow the curving alignment of the road. The arrangement has a pleasing informality which contrasts with the larger, commercial buildings on the west side of the road. The staggered blocks, together with the use of brick and tile hanging panels on the front elevations of the buildings, also gives the street scene a distinctive rhythm.

6. The appeal property is positioned at an angle to the adjoining terrace and its existing side extension tapers accordingly. Nevertheless, the space above and

to the side of the extension ensures that there is sufficient separation between the terraces to maintain the locally distinctive informal layout and spacing of buildings.

7. The proposed extension would span the full width and depth of the existing extension and its pitched roof would follow the same alignment as the roof over the original building. It would, therefore, significantly reduce the space between the appeal property and the adjoining terrace. Furthermore, as a result of angled arrangement of the buildings, the space which would remain would only be seen from a relatively narrow range of views along Badger Road.

8. The absence of a set-back in the front elevation would also add to the bulk and apparent width of the extended property. The building would not, therefore, reflect the staggered arrangement of which is typical of adjoining buildings. Further, the exclusively brick front elevation of the extension would not maintain the distinctive rhythm of the street scene.

9. I have had regard to the two storey extensions to Nos 67 and 97 Badger Road. However, both of these properties are at corner locations and the extensions are stepped back from the front elevations of the original building. The extension to 15 Autumn Glade is also set back from the front elevation and the space to the side of it is wider than would be the case at the appeal property. Nor does the extension to 12 Golden Wood Close significantly close down the space to the side of that property. As such, none of these extensions is directly comparable to the appeal proposal and nor do they materially alter the characteristics of the area identified above.

10. Reference has also been made to the grant of planning permission for an extension to 11 Golden Wood Close. However, I have not been provided with details of this scheme and, therefore, can accord it limited weight.

11. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area. It would, therefore, conflict with Policy H18 of the Maidstone Borough Wide Local Plan 2000 insofar as that policy requires extensions to residential properties to retain the character of the original property and complement the street scene. Nor would the proposal accord with paragraphs 56 or 60 of the National Planning Policy Framework or Policies DM1 or DM8 of the emerging Maidstone Borough Local Plan 2016, to the extent that they have similar aims.

12. Moreover, the proposal would not comply with the Council's Residential Extensions Supplementary Planning Document which advises that side extensions should not have an adverse impact on the spaces between buildings and should maintain the rhythm of the street scene.

13. The appellant considers that reliance should not be placed on a 1991 appeal decision[1] for a similar extension to the appeal property. I recognise that national and development plan policies have changed since that decision was issued. However, I have based my decision on up to date policies and I have already concluded that the physical context for the proposal has not altered significantly. Therefore, whilst each appeal must be considered on its merits, the earlier decision lends weight to my conclusion in this case.

[1] Appeal ref: APP/U2235/A/90/165764/P3

Conclusion

14. For these reasons, the appeal should be dismissed and planning permission refused.

Simon Warder

INSPECTOR