The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/U2235/W/16/3156684
67 Calder Road, Maidstone ME14 2QG

- 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 J White against the decision of Maidstone Borough Council.
- The application Ref 16/505245/FULL, dated 20 June 2016, was refused by notice dated 10 August 2016.
- The development proposed is two new 2 bedroom flats.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the appellant's name from the planning application form, although I note that the appellant's Christian name has been given on the planning appeal form.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -

   (a) The character and appearance of the area; and

   (b) The living conditions of future and adjoining occupiers.

Reasons

The character and appearance of the area

4. The rear gardens of properties to this part of Calder Road back on to Stanhope Close and contain single-storey garages, outbuildings, parking areas and closeboarded fencing adjacent to the highway. Views of the rear elevations of these houses can be gained from Stanhope Close. I observed a general absence of two-storey structures or dwellings to the rear of these properties.

5. The proposed development would create a two-storey detached flat development positioned in the rear garden of No.67 built close to the boundaries of the appeal site. The height, width and depth of the proposal would create a development of constrained appearance within the plot as it would be built very close to the boundaries of the site. The proposed development of the size, scale and site coverage proposed would be out of

keeping with the subordinate scale of existing garages and outbuildings within the rear gardens that characterise the pattern of existing development to the northern side of Stanhope Close. The introduction of such a substantial building in this location would represent a discordant and bulky feature in this streetscape. As such, the proposed siting of a residential flat development to the rear of No.67 would be intrusive and out of place.

6. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development would be contrary to paragraphs 17, 53, 56, 57 and 64 of the National Planning Policy Framework (the Framework) that seek to secure high quality design and for development to contribute positively to making places better for people.

The living conditions of future and adjoining occupiers

7. The proposed building would be positioned a short distance from the rear elevation of existing dwellings in Calder Road. Given the close relationship between developments harmful mutual overlooking of bedrooms would be created between the proposed first floor flat and Nos 67 and 69 Calder Road. This would not provide the existing or future occupiers an acceptable level of privacy.

8. In addition, the first floor flat bedroom windows would be in close proximity to the adjoining gardens of Nos 65, 67 and 69 Calder Road and would result in direct overlooking of the rear private gardens of these existing dwellings. As a consequence, those using these adjoining gardens would experience a perception of being overlooked while using their private external amenity space. This would not provide the existing occupiers an acceptable level of privacy.

9. The proposal, given its height, size and relationship to existing dwellings would be clearly visible in close proximity in terms of outlook from adjoining properties Nos 65, 67 and 69 and their rear private garden areas and would dominate outlook. This would be harmful to the living conditions of the adjoining occupiers.

10. Whilst concerns have not been raised to the proposal by adjoining occupiers or the Council's Environmental Health section, I consider the proposed development would harm the living environment of the neighbouring residents.

11. For these reasons I conclude that the proposal would be harmful to the living conditions of future and adjoining occupiers. The proposed development would be contrary to paragraph 17 of the Framework that seeks to secure a good standard of amenity for all existing and futures occupiers of land and buildings.

Other Matters

12. I acknowledge the appellant considers a revised planning application could overcome the Council's concerns. This is a matter for the Council to conclude upon. Nonetheless, I must consider the proposal that is before me. Although the proposed flats may be designed to comply with residential space and layout guidelines and no concerns have been raised to the proposal by Kent County Council Highway services, these considerations do not overcome the harm that I have identified above.

13. The appellant comments that there are similar buildings at a development close by although no details of this scheme have been provided. I, therefore, have insufficient information before me to be able to determine the planning circumstances of such development and the similarities, if any, to the proposed development. The appeal before me relates to a different site and therefore can and should be considered in its own right.

Conclusions

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

Nicola Davies

INSPECTOR