

Appeal Decision

Site visit made on 30 January 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/U2235/W/16/3156847 75 College Road, Maidstone ME15 6TF

- 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 Mr Kenneth Bowra against the decision of Maidstone Borough Council.
 - The application Ref 16/504388/OUT, dated 10 May 2016, was refused by notice dated 3 August 2016.
 - The development proposed is to use the redundant parking and garden area at the rear of 75/75a College Road for the erection of two detached 3 bedroomed houses with parking and gardens to suit.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Maidstone Borough Council against Mr Kenneth Bowra. That application is the subject of a separate Decision.

Preliminary Matter

3. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis, treating the block plan showing two proposed houses on the site as illustrative only.

Main Issues

4. The main issues raised in respect of the appeal are the effect of the development on: -
 - (a) The character and appearance of the area; and
 - (b) Whether the proposal would provide suitable living conditions for the future occupiers of the houses in relation to outlook.

Reasons

The character and appearance of the area

5. The appeal site has been the subject of a previously dismissed appeal (appeal reference APP/U2235/W/15/3140770). The previous Inspector described the appeal site as comprising "an unusual shaped piece of land behind Nos 75/75a College Road, a large property previously an office but now in residential use.
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The site includes vehicular access to one side of Nos 75/75a and pedestrian access to the other, and lies in a backland position between the properties which front College Road to the north west and King Edward Road to the south east. These properties have long back gardens which abut the appeal site with boundaries of close boarded fencing. The site consists of a disused parking area together with two parcels of rough grass". Based on my observations I concur with the Inspector's findings.

6. The illustrative plan shows two houses on the site positioned side by side to the south eastern part of the appeal site which is constrained due to its unusual shape. House 1 is shown to have parking provision to the front with a 13m rear garden. Parking to the front would take up a large area of the frontage of this property and leave little space for landscaping. This would dominate the frontage and be visually harsh. House 2 would be positioned in very close proximity to the closeboard boundary fence that surrounds the appeal site and would have an unacceptably cramped relationship, again leave little space for landscaping. For this reason the proposed development would be a cramped form of development and an overdevelopment of the appeal site with little space for landscaping that would help blend the proposal into its surroundings.
7. The previous Inspector, found that five dwellings would result in a cramped and overdevelopment of the site that "would be out of character with the area which generally comprises road frontage housing with long back gardens". Two dwellings in this location, even if of a different layout and scale, would also be a cramped and overdevelopment of the site and would again be out of character with the area which generally comprises road frontage housing with long back gardens.
8. My attention has been drawn to a scheme at Angel Close, Tonbridge Road, which the appellant indicates is a larger backland development. From the evidence before me relating to the circumstances of this development it appears to me that Angel Close is a larger site to that being considered here. The appeal before me relates to a different site and therefore can and should be considered in its own right.
9. For the above reasons the proposed development would cause significant harm to the character and appearance of the area and would conflict with paragraphs 17, 56 and 57 of the National Planning Policy Framework (the Framework) which attach great importance to achieving high quality design for all development and to take account of the different roles and character of different areas.

Living Conditions

10. Parking to the front of House 1 would take up a large area to the frontage of this property and leave little space for landscaping. This would create poor outlook for future occupiers. As noted above the unusual shape of the site would mean that proposed House 2 would be positioned within very close proximity to the tall closeboard boundary fence to which most of the outlook from the ground floor rooms of this dwelling would be directed, with the remainder being toward a parking area. The proposal, without adequate outlook from the proposed dwellings would not provide suitable living conditions for future occupiers. The proposed development would, therefore,

conflict with paragraph 17 of the Framework which seeks a good standard of amenity for future occupants of land and buildings.

Other Matters

11. It is acknowledged that the appeal site is situated in the urban area of Maidstone and would be a windfall site. However, the benefit of re-using this former commercial car park would not outweigh the harm that I have identified above.
12. I note the appellant's submission that the site has been subject to fly tipping attracting vermin and security has been an issue. These are matters separate to this appeal.
13. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusion on the main issue, there is no need for me to address these in the current decision.

Conclusions

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

Nicola Davies

INSPECTOR