
Appeal Decision

Site visit made on 6 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/U2235/W/16/3160544
49 Western Road, Maidstone ME16 8NE

- 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 Shehzad Akram against the decision of Maidstone Borough Council.
 - The application Ref 16/505789/FULL, dated 11 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the erection of a new dwelling with associated garden and works to existing dwelling to realign entrance door.
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Decision

1. The appeal is allowed and permission is granted for the erection of a new dwelling with associated garden and works to existing dwelling to realign entrance door at 49 Western Road, Maidstone ME16 8NE, in accordance with the terms of the application, Ref 16/505789/FULL, dated 11 July 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

Character and appearance

3. No 49 is an end terrace, two storey house fronting onto the north eastern side of Western Road behind a small paved forecourt. Unusually within the road it has an adjoining driveway leading to a single garage, and the proposal is to develop the driveway and garage site with an additional two storey house, effectively extending the terrace by a further property.
4. On the other side of the driveway is No 51, one of a pair of semi-detached houses, the side elevation of which is set back from the common boundary by a passageway 1-2 m in width. The new house would extend hard up to the common boundary, but this would still leave a reasonable gap between the two properties to break up the façade when seen from the street.
5. The proposal would continue the existing building lines of the terrace to both front and rear, together with the existing eaves and ridge lines. A flat roofed single storey rear wing would effectively replace the existing flat roofed garage,

extending back into the rear garden about the same distance. The form of the building would therefore not be out of place next to No 49.

6. The new house would be slightly narrower than No 49 and the others in the terrace, about 3 m wide compared to about 3.6 m, but with a front door and two windows like No 49 this would not be particularly noticeable in the built up context of Western Road. The visual relationship of the reconfigured door and windows of No 49 on the submitted plans does however show a lack of symmetry with the front elevation of the proposed house, and this difference should be minimised. A condition requiring approval of a more detailed front elevation drawing to achieve this would be therefore be necessary.
7. For these reasons the proposal would not materially harm the character and appearance of the street scene and would not conflict with paragraph 64 of the National Policy Planning Framework. This precludes development of poor design that fails to improve the character and quality of an area.

Other matters

8. The side elevation of No 51 facing the site is blank apart from a side facing door which would continue to be accessed by a side passage. The two storey element of the new property would not extend forward of the front elevation of No 51 nor significantly further to the rear, and the single storey rear element would replicate the existing garage. As such, the outlook from the windows of No 51 would not be materially affected.
9. The side door of No 51 would be more concealed from the street but the loss of light would not be significant and the new property would itself provide some additional surveillance of the side passage. The appellant and his contractors would be responsible for ensuring all building work is carried out satisfactorily with no adverse impacts on the adjacent property.
10. There is no dispute that the proposed house and rear garden, although small, would offer acceptable living conditions for the occupiers. No off-street parking would be provided for the house or replacement parking for No 49, but this is the case for most houses in the road which lies in a very sustainable location within the town.
11. The Council suggested five conditions should the appeal be allowed and I have assessed these against the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty. Conditions are also required to control the materials to be used to ensure the satisfactory appearance of the dwelling and to control surface water drainage from the site, although as a single dwelling there is no policy support to require a sustainable urban drainage scheme. As stated above, a condition requiring further details of the front elevation is necessary. Finally, the Council sought a condition requiring the use of renewable energy sources, but no local plan policy is quoted to justify this requirement.

Conclusion

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 245/100, 245/101, 245/102.
- 3) The dwelling hereby permitted shall be constructed with the external surfaces in materials matching those of the adjacent dwelling No 49 Western Road.
- 4) No development shall be carried out until details of the surface water drainage arrangements have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.
- 5) Notwithstanding the submitted plans, no development shall be carried out until a large scale plan of the front elevation of the dwelling hereby permitted alongside that of No 49 Western Road has been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details.