
Appeal Decision

Site visit made on 9 February 2017

by **R J Maile BSc FRICS**

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

Decision date: **21st February 2017**

Appeal Ref: APP/U2235/D/16/3165013

Chalfont, Maidstone Road, Staplehurst, Tonbridge, Kent, TN12 ORE.

- 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 James Nixon against the decision of Maidstone Borough Council.
 - The application ref: 16/505888/FULL, dated 12 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is removal of existing roof and dormers to rear and replacement with new first floor under flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing roof and dormers to rear and replacement with new first floor under flat roof at Chalfont, Maidstone Road, Staplehurst, Tonbridge, Kent, TN12 ORE, in accordance with the terms of the application ref: 16/505888/FULL, dated 12 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Prior to first occupation of the development hereby permitted the rear-facing balcony shall be fitted with obscure glazed panels to the north and south elevations to a height of 1.8m above finished floor level and shall thereafter be permanently retained in that condition.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 279 003A:	Location Plan – scale 1:1250; Site Plan – scale 1:250.
Drawing no. 279 001A:	Existing Plans and Elevations – scales 1:50 and 1:100.
Drawing no. 279 002B:	Proposed Plans and Elevations – scales 1:50 and 1:100.
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Main Issues

2. The main issues in this case are:

- a) The effect of the proposed alterations upon the character and appearance of the host building and that of the surrounding area.
- b) The impact of the rear-facing balcony upon neighbours' privacy.

Reasons

a) *Effect upon character and appearance.*

- 3. Chalfont comprises a modest detached inter-war bungalow, to which has been added a rear-facing box dormer window that has permitted the provision of a single bedroom and bathroom at first floor level.
- 4. To the rear is a large, single storey extension with an unattractive expanse of flat mineral felt covered roof. The property is situated within a ribbon of mixed housing development to the north of the settlement of Staplehurst.
- 5. There is no consistency in the design, materials or layouts of the properties in this ribbon of housing. As part of the appellant's case I have been provided with a detailed breakdown of the type, date of construction and materials of the thirteen most adjacent dwellings and information relating to any extensions or alterations. Much of this information was verified during my site visit.
- 6. National policy at paragraphs 58-60 of the Framework¹ seeks to ensure that developments function well and add to the overall quality of the area, are visually attractive and respond to local character and history. Of particular relevance is paragraph 60, which states:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
- 7. Given the eclectic mix of the dwellings along this section of Maidstone Road I do not consider the design solution to be out of place. The alternative of providing a pitched roof to the extended dwelling would be difficult to achieve having regard to the relatively narrow dimensions of the appeal site and the built depth of the existing property.
- 8. Accordingly, and given that there is no local distinctiveness within this run of properties, I have concluded that the flat roofed design would enable full and effective use to be made of the existing extended footprint of the property without adversely affecting the mixed format of surrounding development.
- 9. I therefore find upon the first main issue that development as proposed would not adversely impact upon the character and appearance of the host building or that of the surrounding area as required by national policy in the Framework,

¹ The National Planning Policy Framework.

Policies H33 and ENV28 of the adopted Local Plan² and by Policies DM 1 and DM 34 of the emerging Local Plan³.

b) Impact upon neighbours' privacy.

10. As part of my site visit I was able to obtain access to the first floor bedroom of Chalfont, from which it is possible to gain a panoramic view of the rear gardens of adjacent properties.
11. I accept that the construction of a balcony as proposed would make such inter-visibility more apparent to neighbouring occupiers. However, the appellant has agreed to a condition requiring that the balcony be fitted with obscure glazed screens to either side to address any concerns in this regard.
12. Subject, therefore, to the imposition of such a condition I have found upon the second main issue that the inclusion of a rear-facing balcony would not unduly impact upon the privacy of neighbouring occupiers as required by "saved" Policies H33 and ENV28 of the Local Plan².

Conditions

13. The Council has suggested the imposition of two conditions should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. Both are reasonable and necessary in the circumstances of this case. I must also impose a further condition (no. 2) as discussed at paragraph 11 above. My reasons for the conditions are:
14. Condition 1 is the standard commencement condition imposed in accordance with section 91(1)(a) of the Town and Country Planning Act 1990. Condition 2 is necessary in order to safeguard the privacy of neighbouring occupiers. As to Condition 3, which requires the development to be carried out in accordance with the approved plans, this provides certainty.
15. The materials to be used in the construction of the external surfaces of the development have been specified on the approved plans. As such, a separate condition requiring the prior submission and approval of such details is not necessary.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

² The Maidstone Borough Wide Local Plan (2000).

³ The Maidstone Borough Local Plan – Publication (Regulation 19) February 2016.