
Appeal Decision

Site visit made on 13 February 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/U2235/W/16/3163375

Garage site to rear of No 48 Grecian Street, Maidstone ME14 2TS

- 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 Roger Dudding of Dudrich Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref 15/509461/FULL, dated 16 November 2015, was refused by notice dated 9 November 2016.
 - The development proposed is for the demolition of the existing concrete garages and the erection of 4 x three bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. I note that the scheme was refused by Council Members, contrary to the officer recommendation. In addition to the reasons for refusal set out on the Council's decision notice I have also had regard to matters raised by third parties and the Inspector's views set out in an appeal decision¹ on an earlier scheme. Consequently, I consider the main issues in the appeal are the effects of the proposed development on the:
 - a) character and appearance of the area;
 - b) living conditions of future occupiers and neighbours in relation to outlook;
 - c) parking provision and highway safety.

Reasons

3. The appeal site is a long narrow area of land enclosed by existing terraced houses in Waterlow Road and Grecian Street. It is accessed through a narrow archway that passes under No 48 and is currently occupied by 27 lock-up garages. There is also space on the site for non-garaged parking, including at least four spaces serving the Samaritans who operate from No 48. In addition, there appear to be other rights of way across the site that provide access to a number of informal parking areas created within the rear gardens of a number of the surrounding properties.

¹ APP/U2235/A/12/2178637

4. The houses surrounding the site have narrow rear gardens but those associated with the dwellings in Grecian Street are appreciably larger than those serving the properties in Waterlow Road. The site itself is relatively flat; but a substantial retaining wall marks the boundary on the south-eastern side. The dwellings and gardens in Waterlow Road are also on lower ground so that only their first floor windows and roofs can be seen from the site at present. The majority of the garages are in a row that occupies almost the full length of the south-western side of the site and their low profile currently encloses the rear gardens of Nos 25-37 Waterlow Road. A further four abut the south-eastern boundary and the remainder are in the form of two back-to-back pairs that are parallel to the rear boundary of the Grecian Street gardens.
5. The proposal would demolish the garages and construct a terrace of three houses on the south-eastern part of the site and a single detached house towards the north-western corner of the site. Each house would have an enclosed garden at the rear.

Character and appearance

6. The proposed terrace of three dwellings would be a contemporary design with extensive areas of glazing on the front and rear elevations. The terrace would have a staggered roof line to accommodate the small fall in levels across the site. It would be appropriate in scale and form with the surrounding terraced development, although hidden from wider views. In addition the layout of the terrace would include provision of a rear amenity space for each dwelling. I consider these aspects of the proposal would be acceptable.
7. By contrast the single detached dwelling would appear somewhat isolated and surrounded by parking areas. The position of the car parking spaces would not relate directly to the individual properties. The space marked as No 3 on Drawing No P(11)01 appears particularly awkward. There would also be a limited area in which vehicles could turn around in the north-western part of the site. This would be the case even if the area proposed to be marked as 'no parking' was kept permanently free.
8. I am aware that the Samaritans have at least four parking spaces that are very close to the access and there are other rights of way across the site, leading to informal parking areas within rear gardens. Whilst I do not have full details of land ownership and access rights, it nevertheless appears that a number of people have a continued expectation that they will be able to use the access and park in areas just outside the site boundary. The current layout permits these movements. However, the siting of the detached dwelling and its associated garden would enclose part of the site significantly reducing the amount of space to accommodate the various movements and parking associated with the existing and proposed development. In my view this is likely to cause considerable inconvenience to existing and future residents and those coming and going from the Samaritans' office.
9. These various factors demonstrate that the proposal would be a cramped and awkward layout that would not function effectively. Whilst the dwellings may therefore be acceptable in design terms, I am not persuaded that the proposed layout represents good design that adequately respects the way that this densely developed urban area functions.

10. In addition, I note that when considering the previous scheme the Inspector was not satisfied that the proposed bin collection area would be achievable in conjunction with continued parking on the site, without significant inconvenience to the various users involved. She identified this as a matter of concern which counted against that proposal, even though she rejected that scheme for other, more fundamental reasons. The scheme before me shows a communal bin area between parking space 2 and the 'no parking' area. However, it is not clear to me how any refuse would be collected, since the access will not permit a collection vehicle to enter the site. The potential for conflict and inconvenience from the use of the refuse storage area has therefore not been resolved with the current scheme.
11. I note that Kent County Council as highway authority did not formally object to the scheme, although it set out requirements for conditions. This appears to be because it was satisfied that the internal layout would not interfere with the operation of the public highway. Nevertheless, in responding to the application it raised serious concerns about the constrained nature of the access in terms of its height and width. It was suggested that this could result in difficulties for deliveries, refuse collection and the emergency services, which would be unable to gain direct access the site. I agree with these observations. Large vehicles serving the site would have to stop or park in Grecian Street creating inconvenience for other road users and nearby residents. This is a matter to which I will return later, but further illustrates the difficulties of developing a site for residential use that is unable to function effectively due to the lack of suitable internal arrangements.
12. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the area as a consequence of a poor and cramped layout on a highly constrained site. It would therefore fail to take the opportunities available for improving the character and quality of the area and the way it functions. In these circumstances the National Planning Policy Framework (the Framework) advises that permission should be refused. The Council's decision notice did not refer to any specific development plan policies and those to which my attention has been drawn do not appear to be relevant to design issues; in reaching my decision I have therefore relied on national policy as set out in the Framework.

Living conditions

13. The proposed dwellings would be at right angles to the existing development in the surrounding streets. The contemporary design includes an asymmetric roof and a low eaves height on the south-western side of the buildings. This shape, combined with the change in levels and gap between the flank walls and the site boundaries, would ensure that there would not be a significant loss of outlook from the most affected dwellings in Waterlow Road. The cross-sections submitted with the application compares the angle of view with the existing situation, where the houses in Waterlow Road are enclosed by the garages, with the development in place. From this evidence, I am satisfied that the proposal would not appear overly dominant or oppressive from the nearby dwellings.
14. The north-eastern flank wall of the terrace of three would be within 1m of the site boundary, and a little less than 17m from the rear elevation of the houses in Grecian Street. As these houses are on slightly higher ground this

separation distance is considered sufficient to avoid any harmful loss of outlook from these houses. Although there would be some overshadowing of the gardens, particularly during the winter months, this would only affect the rear parts of the gardens. Considered in isolation, I do not consider this would be a justification for rejecting the scheme.

15. The terrace of three dwellings would each have a small rear garden that would be enclosed by the substantial retaining wall that defines the south-east boundary of the appeal site. This feature would be prominent from the rear of the houses. However, the proposed depth of the rear gardens, approximately 11m, would relieve the sense of enclosure and would provide sufficient outlook from the habitable rooms. In addition the appellant has suggested the appearance of the wall could be improved through an appropriate landscaping scheme. This could be secured by condition, if the development was found to be acceptable in all other respects.
16. I therefore conclude that the proposed development would not result in harmful loss of amenity for the occupants of existing neighbouring development or give rise to unsatisfactory living conditions for future occupants of the proposed dwellings. In these respects the proposal would accord with aims of paragraph 17 of the Framework to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Parking provision and highway safety

17. Grecian Street is a narrow street that permits residents parking during the day on its south-western side. At the time of my site visit the parking was well used. From the representations made by local residents I have no doubt that during the evening and at weekends it is over-subscribed. The previous Inspector had full regard to these concerns, although she considered that they potentially needed to be addressed through other legislation or regulations. I agree with her that regardless of the outcome of the appeal, the use of the garages may cease or may no longer be made available to meet local needs.
18. However, from the evidence before me, it is apparent that local residents not only use the garages but also park in the area either on the site, or on their own land having gained access through the site. The development could reduce the ability of local residents to make use of these facilities. In doing so it would add to the demand for on-street parking in an area where there is no capacity to absorb such a demand and which the highway authority acknowledges is already heavily subscribed.
19. It seems to me that this displaced demand for parking, combined with the difficulties that larger vehicles would experience in trying to service the site, is likely to result in increased inconvenience for local residents. Consequently, there would be additional conflict between cars, other vehicles and pedestrians which could adversely affect highway safety, even though the overall number of movements in and out of the site may not change significantly. However, in situations where the supply of on-street parking is under considerable stress, small changes in demand can result in undesirable, cumulative impacts on the safe operation of the transport network. This adds to my concerns about the scheme as a whole.

20. For these reasons, I conclude that the proposal would fail to provide safe and suitable access for all people to the site, contrary to paragraph 34 of the Framework.

Conclusions

21. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is previously developed land within the built-up area of Maidstone. There is therefore no objection in principle to a residential development on it. The provision of four additional homes, which would have adequate space internally and externally, would be a social benefit which carries moderate weight. However, the determining factor in this case is whether or not this can be achieved without unacceptable harm to the environment.
22. I recognise that the appellant has had extensive consultations with Council officers and made alterations to previously rejected schemes to address concerns that had been raised. I concur with the Council officers that the proposal would provide satisfactory living conditions for future occupants and would not result in unacceptable harm to the living conditions of neighbouring occupiers. The appellant was therefore understandably frustrated that the recommendation to approve the scheme was overturned by the members.
23. However, notwithstanding the significant improvements over previous proposals, I am not persuaded that the layout would function effectively, particularly given the restricted amount of space on the site in which vehicles could manoeuvre and turn round. I have also found that the inadequacy of the access and layout would not only cause problems within the development but would also result in difficulties on the surrounding highway network resulting in additional danger and inconvenience for all road users. These are matters to which I attach substantial weight.
24. Whilst the appellant suggests that a development of less than four units would not be viable, there was no convincing evidence to support this assertion. It is therefore a matter to which I can give little weight. On balance, I therefore consider that the benefits that would accrue from the provision of four additional dwellings would not outweigh the harms I have identified.
25. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR