
Appeal Decision

Site visit made on 20 February 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/U2235/W/16/3160942

16 Trapham Road, Maidstone, Kent ME16 0EL

- 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 Vincent Millen of Millen Homes Ltd against the decision of Maidstone Borough Council.
 - The application Ref 16/504704/OUT, dated 4 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is redevelopment to provide 2 detached dwellings and new accessway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with the access and layout for determination at this stage. The appearance, scale and landscaping are reserved for later determination. I have dealt with the appeal on this basis, treating the illustrative frontage elevations shown on the site layout plan as illustrative only.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the effect on trees that are subject to a Tree Preservation Order (TPO) (no.5069/2015/TPO).

Reasons

4. Trapham Road is a cul-de-sac characterised by two-storey residential properties in a low density environment. No 16 sits to the western side of the road and comprises a relatively narrow plot. The rear garden land rises steeply. Beyond the lawn immediately to the rear of the dwelling the garden is densely wooded, similar to that of the gardens of properties either side of the appeal site.
 5. The appeal site has been the subject of two previous applications that have both been dismissed at appeal (Appeals ref APP/U2235/W/15/3005850 and APP/U2235/W/15/3141123). This proposal is to demolish the existing house and construct an access drive through the site leading to two detached houses, a reduction of one dwelling to those of the previous proposals.
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6. The second Inspector commented that “the backdrop of undeveloped woodland on rising land behind the houses on the western side of Trapham Road makes an important contribution to the quiet residential character of the vicinity.” Based on my observations I concur with the Inspector’s findings.
7. It is suggested by the appellant that the existing developments at Milford Close and Vickery Way, to the southwest and northeast respectively, bound the appeal site and set a precedent for similar development at the site. However, the previous Inspector commented that the form of development proposed, comprising a long access driveway, with a house halfway along and two at the top would be very different. Whilst this proposal would reduce the number of dwellings to two and position these at the end of the proposed driveway, the proposed development remains different to these cited existing developments.
8. In addition, whilst the appellant asserts that the construction of the developments at Milford Close and Vickery Way would have resulted in the loss of trees, I have no substantive evidence before me that would confirm this. Even if they did, this does not lead to justification for the removal of trees at the appeal site.
9. The appellant has again indicated the potential to extend into the adjoining plots but there is no certainty that further dwellings would come forward on these adjacent sites. For this reason, this proposal should be considered on its own merits.
10. The creation of two dwellings with gardens and long access driveway, along with the remodelling of the ground to provide acceptable gradient, would require the removal and cutting back of trees at the appeal site. The application has been supported by an ‘Arboricultural Survey and Planning Integrated Report’. This indicates that of the 71 trees, 49 are to be retained. The Report categorises the 22 to be removed to be trees of no particular merit and could be retained. There is some uncertainty to the number of trees proposed for removal as the site layout plan states the removal of 11 trees. However, the Arboricultural Survey is more precise in its recording of trees at the appeal site, therefore, I consider this to comprise a more accurate assessment of the trees pertaining to the appeal site and this is the one that I have taken into account. Nonetheless, it is clear to me that a significant number of existing trees would need to be removed to make way for the proposed development.
11. The appellant indicates the intention is to retain better quality trees including those along the skyline towards the rear of the appeal site and those running along the bottom boundary with No 16 and remove mostly specimens/saplings located within the interior. Whilst the trees identified for removal may be unremarkable individually, their removal would take away an area of trees centrally within this wooded site that would, in my opinion, be noticeable in viewpoints from the wider area. This would create an open area within the tree canopy where the dwellings and access drive would be accommodated. This would diminish the contribution this treed landscape feature makes to the area.
12. I acknowledge that technical solutions in the form of specialist foundations alongside other measures could be put in place to protect the roots of retained trees at the appeal site. However, the retained trees, as well as those on adjoining land that surround the proposed dwellings, would shade both the dwellings and their rear gardens and would create gloomy living environments.

As such, the trees would be under significant pressure for removal or works from future occupiers, although the TPO could control such works. Nonetheless, as the previous Inspector acknowledged the proximity of branches, the nuisance from leaf fall and the effect on outlook and daylight/sunlight, would make it hard to resist such future works as the trees continue to grow. I agree with my colleague on this point.

13. The Report indicates that the proposed development would incorporate the planting of 32 new semi-mature trees. The appellant's statement advises that this would take the form of avenue planting either side of the access road and would frame the turning head. This tree planting would take many years to mature and may not be successful given the tight nature of the site and proximity to houses and hardsurfacing. In addition, for similar reasons to those above, future occupiers would likely wish to restrict the tree growth of new trees, therefore, it would be doubtful that the proposed new tree planting would grow to ameliorate the gap within the wooded area and the tree canopy. As such, the replacement tree planting would be unlikely to make a significant long-term contribution to the tree cover at the appeal site.
14. Whilst I consider the proposed dwellings would have a degree of prominence being sited on rising land, the remaining trees would, to some extent, soften their appearance in wider viewpoints.
15. Notwithstanding this, for the above previous reasons the proposed development would cause significant harm to the existing tree cover on the site that has been given TPO protection and correspondingly would harm the character and appearance of the area. This would conflict with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP1, DM1, DM3 and DM10 of the Maidstone Borough Local Plan (Regulation 19) Submission 2016. These policies seek the retention of existing trees and woodlands which contribute to the landscape character or quality of the area and that have significant amenity value, amongst other matters. Development that would result in significant harm to the character and appearance of the area will be prevented. The proposal would also be contrary to paragraph 61 of the National Planning Policy Framework that requires planning decisions to integrate new development into the natural environment.

Other Matters

16. There is a dispute between the parties as to the Council's ability to demonstrate a five year supply of deliverable housing sites. Even if the appellant is right on this point the benefit of one additional dwelling to housing supply would be modest. The proposal's conventional design and density would reflect that of the development in the area. It would also make use of and create access to surplus garden land. The location of the site is close to local amenities and recreational facilities and is in a sustainable location. The proposal would not harm any Local, National or European designated sites or biodiversity at the appeal site. However, these benefits would not significantly and demonstrably outweigh the harm to the environment at the appeal site and the corresponding harm to the character and appearance of the area that I have identified above.
17. I also note the appellant's submission that the design has sought to comply with Policy SP12ii of the Maidstone Borough Local Plan (Regulation 19) Submission 2016. This does not obviate the need to ensure that, overall, the

development respects the character and appearance of the area, including its impact upon landscape features of significant amenity value.

18. A number of nearby residents raise other concerns relating to the proposed development. However, in view of my conclusion on the main issue there is no need for me to address them in the current decision.

Conclusions

19. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR