
Appeal Decision

Site visit made on 23 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/U2235/W/16/3164777
9 Sittingbourne Road, Maidstone ME14 5ET

- 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 Richard Parsons of 9SR Developments against the decision of Maidstone Borough Council.
 - The application Ref 16/506092/FULL, dated 28 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the erection of six new dwellings and associated access following the demolition of the existing building on site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The draft Maidstone Borough Local Plan (draft LP) has been submitted for examination and the Council have provided a copy of the Interim Findings of the Inspector. These findings confirm that there are a number of outstanding issues with regard to the draft LP and it is not clear whether the policies concerned will be considered as consistent with the Framework. Consequently, I am only able to give it limited weight in my decision.
3. The appellant has submitted additional information in support of the appeal comprising visibility splays at the entrance onto St Luke's Avenue and an updated site layout plan showing access width, visibility splays and tracking information. The Council have confirmed that this additional information is sufficient to overcome the reason for refusal relating to highway safety.

Main Issues

4. Taking into account the above, the main issues are:
 - the effect of the proposed demolition of the existing building and erection of six dwellings on the character and appearance of the surrounding area; and
 - whether the proposed development would affect ecology and biodiversity in the area.
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Reasons

Character and appearance

5. 9 Sittingbourne Road is a substantial red brick Victorian house in a prominent location on the junction of Sittingbourne Road and Holland Road. Surrounding development is a mix of form and styles of development, that to the opposite side of Holland Road being modern blocks of flats and three storey townhouses around a courtyard, with the rear elevations of the flats fronting Holland Road and Sittingbourne Road. That to the other side of the site fronting Sittingbourne Road comprises mainly bungalows and two storey houses dating from the post-war period. The appearance of development along the frontage to Sittingbourne Road provides a consistent building line to this side of the road, including the flats beyond the junction with Holland Road that are set slightly forward, but maintain the appearance of that line. Adjacent to the site and fronting St Luke's Avenue is a development currently under construction that comprises five terraced townhouses of traditional design, with predominantly Victorian houses beyond.
6. The proposed development would result in the removal of this attractive building with a prominent tower feature on the corner of the building fronting the junction of Sittingbourne Road and Holland Road. The Council suggest that the building is a non-designated heritage asset and the National Planning Policy Framework (the Framework) confirms that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The loss of this prominent and attractive building would cause harm to the character and appearance of the area. However, I accept that style of the existing building is not particularly unusual and its replacement with a good quality design of building may not be inappropriate.
7. The proposed development would comprise a terrace of six dwellings that would be of traditional design to reflect the style of other development in the locality. The closest house to Sittingbourne Road, unit 1, would extend forward of the existing building line, the side elevations containing a limited number of windows particularly within the upper floors. This degree of projection, combined with the design of the proposed dwelling, would result in a stark and prominent appearance, incongruous in this location and in contrast to the existing tower feature that turns around this corner. In addition, it would restrict the space for landscaping at the front of the site, such that the proposed unit 1 would appear cramped on the site.
8. The proposed building would present its rear façade to Holland Road with the individual rear gardens backing onto the road behind the retained tall wall that is a prominent feature in the road. Whilst this is not dissimilar to the relationship with development on the opposite side of the road, the subdivision to form gardens would highlight that this is the rear of the building. As a result, the proposed development would appear introspective and provide a poor relationship to the road.
9. I note that the layout is a result of it not being able to access the individual dwellings from Holland Road and that the rear elevations of units 2-6 have been detailed with a good quality elevational treatment. The unsightly outside staircase adjacent to the neighbouring property on Sittingbourne Road would also be removed and I note that occupiers of that property have not commented on the proposed development.

10. Taking all the above into account, I conclude that the proposed dwellings would harm the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policy ENV6 of the Maidstone Borough-Wide Local Plan and the Framework that seek a high quality and inclusive design for all development, including appropriate landscaping.

Ecology and biodiversity

11. National Planning Practice Guidance (PPG) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.
12. The Council raised concern regarding the amount of information submitted with the application regarding ecology and biodiversity. They were particularly concerned regarding the potential for bats to be within the building and reptiles within the site. Further information was supplied with the appeal and the Council confirmed that relating to bats was satisfactory.
13. A complete survey relating to reptiles was submitted with the appellant's final comments. This confirms that no reptiles were found during seven surveys and, as a result, no mitigation measures are expected to be necessary. The Council were given the opportunity to comment, but did not do so and I am satisfied that the information submitted is sufficient to confirm that reptiles would not be affected by the proposed development.
14. For these reasons, I conclude that there would not be an adverse effect on ecology and biodiversity in the area. As such, the development would comply with the PPG and Circular 06/2005.

Other matters

15. Reference is made to there being a lack of supply of housing in the borough that is disputed by the Council and the proposed development would provide 6 dwellings toward that supply. The appeal site would be an appropriate location in principle for new housing, close to the town centre and with good public transport links. However, the harm that I have identified to the character and appearance of the area significantly and demonstrably outweighs the benefits of the development, including to the local housing supply.

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR