
Appeal Decision

Site visit made on 11 April 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/U2235/W/16/3165692

1 Caernarvon Drive, Tovil, Kent ME15 6FJ

- 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 Grant Buckingham against the decision of Maidstone Borough Council.
 - The application Ref 16/505685/FULL, dated 16 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is erection of a two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site forms the northern part of the garden area of 1 Caernarvon Drive, a bungalow which is at the junction of Caernarvon Drive and Forest Hill. Due to its position at the junction and because of the curvature of both roads the site has a prominence in the street scene. On either side of Forest Hill are two storey semi-detached properties.
 4. The proposal is for a two-bedroom bungalow with a single parking space to the south of the house with access from Caernarvon Drive.
 5. The proposed development would be set back to the south of the appeal site and would not project further forward than the front of 59 Forest Hill. Consequently, when viewed from the east, along Forest Hill the proposal would not have an adverse effect on the character of the street scene.
 6. No. 1 Caernarvon Drive and its neighbours to the south are set back some distance from the footway within reasonably spacious plots, notwithstanding the irregular shaped plot of no.1. The proposed development would be much further forward within the plot than properties to the south with a distance of approximately 3 metres from the front projection to the footway. Due to the curve of Caernarvon Drive, when viewed from the south the proposed bungalow with its blank flank wall would be a prominent feature. To the rear, the proposed dwelling would be within 1 metre of the boundary with 59 Forest Hill at its narrowest due to the alignment of the boundary. Consequently the
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development would appear cramped and would at variance with the established pattern of development locally.

7. I do not find the appeal site to be a landscaped open space with a significant role in providing a landscaped setting to the estate but rather a well maintained private garden. Similarly, I do not accept the Council's suggestion that the proposed development would lead to pressure to remove existing landscaping because as far as I am aware it is not protected. Nevertheless, the openness and prominence of the site contribute to the character of the area.
8. The appellant has stated that utilising permitted development rights, an outbuilding could be constructed which would be more prominent than the proposed development and would have a greater footprint and volume. However, as I consider that the alternative would be forward of the principal elevation of the existing dwelling it could not be constructed utilising permitted development rights. Consequently I do not attach any weight to this fall-back position.
9. The appellant indicated that 44 Forest Hill had a cramped appearance but I do not know the circumstances in which that site was developed. Moreover, I have considered the appeal scheme on its own planning merits.
10. I therefore find that the proposal would be contrary to Policy DM1 of the emerging Maidstone Borough Local Plan, 2016 (the eMLP) because the proposal fails to respond positively to local character of the area. It would also fail to accord with Policy DM10 of the eMLP which permits the development of domestic garden land for new dwellings provided that there would be no significant harm to the character and appearance of the area. Taking account of the advice in paragraph 216 of the National Planning Policy Framework (the Framework), based on the advanced stage of preparation of the eMLP I attach significant weight to these policies.
11. For the same reasons I find that the proposal would be contrary to Section 7 of the Framework which requires good design and for development to respond to local character, reflecting the identity of local surroundings.

Other Matters

12. In support of the scheme the appellant identified that the scheme would make full use of urban land citing the advice within the Framework, would increase the housing stock and provide housing in an accessible location. These elements carry some weight in support of the proposed development.

Conclusion

13. I have found that the proposed development would be contrary to policies DM1 and DM10 of the eMLP as well as the advice of the Framework. In support of the scheme I recognise the site would make a contribution to the housing stock in an accessible location. However, these matters which count in favour of the proposal do not outweigh the harm which I have identified in respect of the main issue. For these reasons, the appeal is dismissed.

Kevin Gleeson

INSPECTOR