

## 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**

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**Appeal Ref: APP/U2235/W/16/3165148**

**White Lodge, Dean Street, East Farleigh, Maidstone, Kent ME15 0PT**

- 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 Shane Jestin against the decision of Maidstone Borough Council.
  - The application Ref 16/507247, dated 30 September 2016, was refused by notice dated 5 December 2016.
  - The development proposed is described as an outline application with some matters reserved for the construction of two 4/5 bedroom properties together with the realignment of the access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with access, layout and scale for determination at this stage.

### Main Issue

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

### Reasons

4. White Lodge is a large chalet-style bungalow situated on the western side of Dean Street. It is larger than most neighbouring properties, sits in a larger plot and is set back further from the road than its neighbours. The property is not particularly visible from the road because of landscaping to the front of the plot and the alignment of the driveway. Properties on the western side of Dean Street are generally large detached homes and tend to be bigger than those on the eastern side of the road.
  5. The appeal site comprises the front garden of White Lodge. At present, access to White Lodge is located adjacent to the boundary with Pine Lodge to the north. The proposed development would relocate the access to the centre of the site frontage, serving the proposed new dwellings on either side, and the existing property to the rear.
  6. The proposed dwellings would be set at an angle to the frontage and slightly forward of neighbouring properties. The introduction of new houses would be
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at variance with the existing form of development along the western side of Dean Street where development is generally characterised by its linear form. The frontage lengths of the proposed dwellings would be within the range of other frontages to the north and south. However, the depths of the new plots would be considerably less than those of other properties on the western side of Dean Street with the exception of Morello Cottage, notwithstanding the fact that they are not particularly visible from the frontage.

7. Furthermore, development in the front garden of White Lodge would result in that property having a much reduced length of plot to the front at variance with those of neighbouring properties. It would also create tandem development which is uncharacteristic on the western side of Dean Street. Regardless of landscaping which could soften the impact of development I find that the proposal would be prominent in the street scene, out of character with the existing pattern of development and would cause visual harm to the character and appearance of the area. Moreover, the proposal for two dwellings in the front garden of a substantial plot which retains the existing house would not in my view be infill development.
8. The appeal site is not within a defined settlement boundary, being within the designated countryside. Consequently I find that the proposal would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan, 2000 which states that in the countryside planning permission will not be granted for development which harms the character and appearance of the area, subject to a number of exceptions, none of which apply in this case. Policy ENV28 is an adopted development plan policy in general conformity with the National Planning Policy Framework (the Framework) and therefore I attach considerable weight to it.
9. I also find the proposal contrary to Policy SP17 of the emerging Maidstone Local Plan (the eMLP) which seeks to restrict residential development in the countryside subject to circumstances which do not apply here. It is also contrary to Policy DM10 which does not allow for the development of residential land in the countryside. Taking account of the advice in paragraph 216 of the Framework, based on the advanced stage of preparation of the eMLP I attach significant weight to these policies.
10. Furthermore, I find that the proposal would be contrary to paragraph 17 of the Framework which states that planning should always seek to secure high quality design and recognise the intrinsic character and beauty of the countryside. It would not accord with paragraph 53 which states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. I also find that the proposal would be contrary to paragraph 64 of the Framework which seeks to ensure that development improves the character and quality of an area and the way it functions.

#### *Other Matters*

11. There is a dispute between the parties as to whether the Council is able to demonstrate a five year supply of deliverable housing sites as required by the Framework. However, even if there were a recognised shortfall, the benefit of the two dwellings proposed would have a negligible impact on it and would not outweigh the harm the proposal would cause to the character and appearance

of the area. The village of Coxheath with its local services is reasonably accessible and the proposal would also offer some social and economic benefits. However, the harm to the character and appearance of the area means that the presumption in favour of sustainable development does not apply. In reaching this conclusion I have considered paragraphs 47 to 49 of the Framework.

12. The appellant referred to a number of other schemes locally including Morello Cottage, properties within the grounds of Meriden and development at Amsbury Road. In addition, various appeal decisions in the area were cited by both the appellant and the Council as providing justification for their case. I have limited information about their histories but in any event their contexts would differ to that of the scheme before me and so they do not lead me to a different view in this case.

### **Conclusion**

13. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Kevin Gleeson*

INSPECTOR