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## Appeal Decision

Site visit made on 27 July 2017

**by N A Holdsworth MCD MRTPI**

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

**Decision date: 08/09/17**

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**Appeal Ref: APP/U2235/W/17/3173652**

**Stockins Meadow, Blind Lane, Bredhurst, ME7 3JS**

- 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 and Mrs Sword against the decision of Maidstone Borough Council.
  - The application Ref 16/506615/FULL, dated 29 August 2016, was refused by notice dated 25 October 2016.
  - The development proposed is Demolition of existing bungalow and erection of detached dwelling house and garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect on the character and appearance of the area and whether the proposed development would conserve and enhance the Kent Downs Area of Outstanding Natural Beauty.

### Reasons

3. The proposed building is located in a similar position to the bungalow that it would replace. However, it is significantly higher and sits within a substantially enlarged footprint. The main part of the building has two storeys and a third mansard-like roof storey beneath a substantial area of flat roof, with chimney stacks and dormer windows. Consequently, it represents a considerable addition in terms of bulk, mass and complexity of built form when compared with the existing building; which by contrast exhibits a simple and uncluttered form, the bulk of the roof diminishing substantially above its eaves. It sits within a large open field in a countryside setting.
4. The M2 is located to the immediate north of the site. However, it is not visible from the site and has not compromised its countryside surroundings. It falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and paragraph 115 of the National Planning Policy Framework (the Framework) requires that great weight is given to conserving landscape and scenic beauty in such areas.
5. The replacement building would be visible from the Dunn Street Road and the public footpath to the west across the surrounding fields. These locations are some distance away from the dwelling, however the bulk of the building and in

particular the mansard-like roof storey with dormer windows and chimney stacks would be still be clearly discernible from these locations, competing for attention with the various natural features of the landscape. A substantial gap would exist between the building and its neighbours, and as such the increase in built form would appear in an isolated location, with little visual connection to buildings that surround it.

6. I accept that the existing trees, particularly those on the southern boundary of the site offer some screening and further trees could be planted, however these landscaping features are susceptible to change over the lifetime of the development. Therefore, they cannot be relied upon to mitigate the effect of the additional bulk of the building in respect of the surrounding area.
7. Consequently, because of its additional height and bulk the development would be significantly more visually intrusive than the existing dwelling on the site when viewed from the wider area. For the same reasons, the building would also be a prominent and incongruous feature in views from within the field it is located, and those that surround it; diminishing the countryside appearance of these areas. Whilst these viewpoints are not currently publically accessible, they are nonetheless part of the AONB and in accordance with Section 85 of the Countryside and Rights of Way Act 2000 must be taken in to account in the decision.
8. The proposal would not be seen from the motorway and would be barely visible from Lidsing Road and the motorway bridge; and the sloping topography of the land also provides some screening particularly in views from the north. However, these factors do not outweigh the harm arising from the proposed development to the surrounding AONB. Whilst other developments have taken place along Blind Lane and in the surrounding area, these are not directly comparable to the circumstances of the appeal proposal.
9. The proposed development would provide a high standard of residential accommodation and would increase the supply of new 'country house' style dwellings within Maidstone. However the proposal requires the loss of a good sized existing dwelling which is also capable of meeting a housing demand. In consequence, the effect on housing supply is neutral. Any economic benefits of the proposal would be principally linked to the construction phase. They would not outweigh the harm that would arise from the increase in height, bulk and mass on the surrounding AONB.
10. I therefore conclude that the proposed development would result in a considerable addition of built form within a countryside setting that would result in harm to the character and appearance of the area; and would fail to conserve and enhance the AONB in which it is located. It conflicts with saved policies ENV28, ENV33, and H32 of the Maidstone Wide Borough Local Plan 2000 ("MBLP"); and policies SP17, DM1, DM34 and DM36 of the Maidstone Borough Local Plan Publication (Regulation 19) February 2016 which, amongst other things, require proposals to respect the character and appearance of the area in which they are located and paragraph 115 of the Framework which requires great weight to be given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty.
11. The site is also located within a 'Special Landscape Area' ("SLA") for the purposes of policy ENV34 the MBLP. However, the area is designated as an AONB which gives the highest level of protection in the planning system

regarding landscape. For the reasons set out above I find that the proposal would fail to conserve and enhance the AONB and, in consequence the North Downs SLA; as such the proposal also conflicts policy ENV34 of the MBLP which seeks to conserve the special characteristics of such areas.

*Conclusion*

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Neil Holdsworth*

INSPECTOR