



Appeal Decision

Site visit made on 1 August 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/U2235/W/17/3169663

Building to the rear of 45 Kingsley Road, Maidstone, Kent ME15 7UW

- 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 Gohill against the decision of Maidstone Borough Council.
 - The application Ref 16/508003/FULL, dated 16 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the demolition of existing timber outbuilding and formation of new detached 1 bedroom bungalow and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the surrounding area and on the living conditions of adjacent and future occupiers in relation to outlook and privacy.

Reasons

Character and Appearance

3. No 45 is a semi-detached property with a driveway to the side leading to the rear yard, which is laid to hardstanding. There is a single storey timber outbuilding in relatively poor condition at the rear of the yard, and steps down to an area directly to the rear of the property at lower ground level that has been covered by a timber roof.
4. The proposed dwelling would be single storey with rendered elevations and a shallow pitched roof, with an eaves height of approximately 2.5 metres and a ridge height of about 3.6 metres. It would have a single garage in the north east corner of the yard and the proposed dwelling would have a small private amenity area in the south east corner.
5. Although some properties in the vicinity have been extended, including loft conversions and rear extensions, there are no other dwellings within the rear gardens of neighbouring properties. Due to the absence of such development to the rear of properties on Kingsley Road or Hastings Road, the proposal would be an incongruous and alien feature within the rear garden environment.
6. Furthermore, the dwelling and garage would cover a substantial area of the rear yard, and would thus result in a cramped appearance. Whilst most of the building would be not be seen from the street, it would be visible over the

boundary fencing from within the rear garden environment and from the rear windows of neighbouring properties, and the intensification of development within the appeal site would cause material harm to the character and appearance of the surrounding area.

7. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. It would be contrary to policy DM1 of the Maidstone Borough Local Plan Publication (Regulation 19) (2016) (MBLPP) which requires development to respond to and where possible enhance the local character of the area. The Inspector's Final Report on the examination of this document was published in July 2017 and thus I attach significant weight to it.

Living Conditions

8. A two storey rear extension at No 43 to the north of the appeal site has windows at first floor level that look down into the rear yard of No 45. The proposed bungalow would have windows in the northern elevation serving a bedroom and the kitchen and living area, but due to the position of the bungalow further to the rear of the site direct views into either window of the neighbouring property would be unlikely and the kitchen and living area of the dwelling would have a principal window looking on to a private amenity area. As such I do not consider there would be an unacceptable impact on the living conditions of future occupiers with regard to privacy. However, the occupiers of No 45 would have a significantly reduced outlook due to the close proximity of the building to the rear windows of that property, to the detriment of their living conditions.
9. For the above reasons I conclude that although the proposal would not harm the living conditions of future occupiers in relation to privacy, there would be an unacceptable reduction in the living conditions of the occupiers of No 45 by reason of outlook. This would be contrary to MBLPP Policy DM1, insofar as it requires development to respect the amenities of the occupiers of neighbouring properties.

Other Matters

10. The appellant has referred to the poor condition of the existing timber outbuilding and has stated that the site to the rear of No 45 has no benefit other than to dump rubbish and debris from the derelict outbuilding and the proposal would improve the appearance of the area. However, this would not justify a development that is unacceptable for other reasons, and there is no reason to believe that the condition of the building and the yard could not be improved regardless of the outcome of this appeal.
11. I have had regard to the location of the appeal site within the built up area of Maidstone and close proximity to public transport. I also note the appellant's assertion that the Council's refusal was solely based upon its concern that it would lead to other similar development in the future. Nonetheless I have determined the appeal on its individual merits based on the evidence before me.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR