



Appeal Decision

Site visit made on 30 January 2018

by J Ayres BA Hons, Solicitor

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

Decision date: 23rd February 2018

Appeal Ref: APP/U2235/W/17/3179007
466 Loose Road, Maidstone ME15 9UA

- 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 Applecross Homes against the decision of Maidstone Borough Council.
 - The application Ref 16/508051/FULL, dated 11 November 2016, was refused by notice dated 16 June 2017.
 - The development proposed is demolition of 466 Loose Road and the erection of 6 residential properties together with the associated access and landscaping provision.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the date of that the application was determined the Council has formally adopted the Maidstone Local Plan 2017 (the Local Plan). As this is the up to date development plan I have determined the appeal in accordance with the policies in the Local Plan.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the living condition of occupiers of surrounding properties and future occupiers with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal site is within the urban area of Maidstone, the site is surrounded on all sides by existing residential development. The appeal site comprises part of the rear gardens of Nos 468 and 470 Loose Road and the entirety of No 466, and it currently provides a significant break in the expanse of built form in the area. The surrounding area exhibits a wide range of dwelling styles, some being large detached properties, whilst others are more modest bungalows, semi-detached, and maisonette style dwellings.
5. The location of the proposed dwellings within the site, along with the scale and mass of each individual unit, would be highly visible through the access point on Loose Road, from Melrose Close and Anglesey Avenue. There would be limited space between the large properties when viewed from the surrounding

roads, which would create a cramped and overly intense form of development. This would significantly erode the sense of space that the site currently enhances.

6. Although the scale and size of the properties would be in keeping with the larger dwellings along Loose Road, they would fail to sit comfortably alongside the surrounding developments of semidetached houses and maisonettes and, in particular, the bungalows along Anglesey Avenue. At this point the skyline would be dominated by the large dwellings on Plots 5 and 6 rising above the adjacent bungalows. Such a change in scale would result in an incongruous and uncomfortable development.
7. The design of the individual dwellings would reflect the design of a number of dwellings in the area. However, in my view the level of development, the scale of the dwellings and the subsequent relationship of the site with the surrounding properties, would fail to integrate with the character of the area in its entirety in a sensitive and coherent way.
8. As such, I find that the scale and layout of the proposal would cause harm to the character and appearance of the area. Accordingly the proposal would conflict with Policies DM1 and DM11 of the Local Plan with regards to protecting the character of the area and the natural environment. The proposal would conflict with Policy HD1 of the North Loose Neighbourhood Development Plan 2016 (the Neighbourhood Plan) in respect of preserving the character and appearance of the area.

Living conditions

9. Due to changes in land levels the appeal site is at a higher level than those properties along Skye Close. The proposal would remove the existing modest outbuilding adjacent to the boundary with No 7, and introduce a large detached dwelling. Although the scheme has been amended to increase separation distances, the proposal would still result in a large two storey dwelling spanning a considerable length of the boundary. This would have an overbearing and oppressive effect on the living conditions of those occupying No 7, particularly when using their rear garden and kitchen, both of which are at a significantly lower level to the appeal site.
10. Nos 1a and 1b Anglesey Avenue are bungalows sited relatively close to their rear boundaries. The scale and mass of the dwellings on plots 5 and 6 would create an overbearing and oppressive living environment for the occupiers of Nos 1a and 1b. This would be exacerbated by the location of the first floor windows in these properties. I am not convinced that the separation distances between the properties would preserve the privacy of the occupant of Nos 1a and 1b. Furthermore, the perception of overlooking, along with the experience of the overbearing development, would cause significant harm to the living conditions of those occupiers.
11. The built form on Plot 2 is extremely close to the boundary with plot 1. The rear garden of Plot 1 is relatively short, and in my view the scale and mass of the built form on Plot 2 would overpower the relationship with Plot 1 and result in oppressive living conditions for the future occupants of Plot 1, particularly when using their outdoor amenity space.

12. Accordingly I find that the proposal would have a harmful impact on the living conditions of neighbouring occupiers and on the future occupiers of plot 1. As such the proposal would conflict with Policies DM1 and DM11 of the Local Plan insofar as those policies require development to be of a high quality design that reflects the amenity of neighbouring occupiers. The proposal would also conflict with Policy HD1 of the Neighbourhood Plan insofar as it seeks to protect the amenity of those living in adjoining properties.

Conclusion

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

J Ayres

INSPECTOR