
Appeal Decision

Site visit made on 2 July 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/U2235/W/19/3223589

37 & 39 West Street, Harrietsham, Kent ME17 1HX

- 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 William Fairclough on behalf of Fairclough Residential against the decision of Maidstone Borough Council.
 - The application Ref 18/506215/FULL, dated 27 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is erection of 2 No. two bedroom single storey dwellings on residential garden land.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Further revisions were made to the National Planning Policy Framework (the Framework) during the course of my consideration of the appeal and a revised version was published in February 2019. The changes to the Framework do not materially alter the policies within the Framework most relevant to this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - 1) the character and appearance of the area;
 - 2) the living conditions for future occupiers of the development with particular regard to the floorspace, private amenity space and outlook.

Reasons

Character and Appearance

4. The appeal site comprises part of the rear gardens of Nos 37 and 39 West Street. No 37 contains a small garage in the rearmost part of the garden. The site also includes an access road and parking area leading to a new residential development at Baker's Yard. The site is within the village boundary of Harrietsham, designated in the of the Maidstone Local Plan, 2017 (LP) as a Rural Service Centre (RSC). LP Policy DM11 permits the residential development of residential garden land within RSCs, providing that the higher

density would not result in significant harm to the character and appearance of the area.

5. The area contains a variety of architectural styles and a mixture of terraced and semi-detached two storey house and bungalows. During my site visit I noted that the long rear gardens of Nos 37-43 West Street, in addition to Nos 1-7 Forge Meadow, located close to the appeal site, contribute positively to the overall sense of openness to the area.
6. My attention has been drawn to the planning history of the site which includes an appeal decision¹ for the erection of 4No one bedroom single storey dwellings dismissed on 9 February 2018. A planning application was also refused by the Council for the erection of 2no three bedroom two storey dwellings on 20 August 2018².
7. In the earlier appeal decision¹ the Inspector considered that “the excessive plot coverage in comparison with that of neighbouring properties, including Bakers Row means that the development would be incongruous with the prevailing pattern of development, and due to their location, the dwellings would be visible within the street scene from Forge Meadow and Bakers Yard and the rear gardens of properties on West Street”. The refused planning application² was also refused on grounds of character and appearance as well as harm to the living conditions of future occupiers of the development by reason of its cramped design, layout and lack of scope for landscaping.
8. The current appeal proposal seeks to overcome the previous Inspector’s and the Council’s concerns and seeks a revised layout comprising two single storey dwellings within the rear gardens of Nos 37 and 39. Whilst I acknowledge the appellant’s comments regarding plot coverage, I consider that the limited size of the site combined with the proposed footprint of the dwellings, would result in a cramped form of development which would harm to the character and appearance of the area. The encroachment into the gardens of Nos 37 and 39 would also result in harm to the open and spacious character of the area. The fact that neither dwelling would incorporate a private rear garden, a characteristic features the area, further demonstrates the cramped and overdeveloped nature of the proposal.
9. The overall height of the development would be similar to the bungalows on the opposite side of Forge Meadows, and lower than the neighbouring properties on West Street and Bakers Yard. Furthermore, the majority of the existing hedge along the side boundary to No 39, which makes a positive contribution to the character of the area, would be retained. However, these positive aspects of the proposal would not outweigh the harm I have identified to street scene as the position of new dwellings, rising above the existing hedge and boundary treatment would be particularly discordant.
10. In support of the appeal, my attention has also been drawn to other developments in the vicinity of the site. However, a number of the properties highlighted by the appellant follow a more traditional form and layout comprising dwellings with front and rear gardens in addition to front elevations of these properties facing towards the street. Therefore, these are not directly

¹ Appeal Ref: APP/U2235/W/17/3184258

² Council Ref: 18/502859/FULL

comparable to the appeal proposals before me which consists of new dwelling with no rear gardens. As such, I have dealt with the proposal before me on its merits, with regard to the previous appeal decision and in accordance with its site specific circumstances, and relevant national and local policy.

11. I have also found that properties in the wider area vary in form, design, and that the density of the development in the wider area is not uniform. I also observed that whilst there is some higher density development in the wider area, the context of the site is more strongly influenced by the lower density run of properties in which it is situated, outlined above. The proposal would create a visually intrusive development, which would be harmful to the character and appearance of the area.
12. Having regard to the above, I conclude that the proposed development would be contrary to LP policies DM1, DM11 and DM12, which amongst other things, requires proposals to create high quality design and preserve the character and appearance of the area.

Living Conditions of Future Occupiers

13. The effect of a proposal on the living conditions of future occupiers of dwellings is a matter of judgement for the decision maker. The new dwellings would each have an area of private amenity space positioned towards the front of the dwellings surrounded by the existing high privet hedge and the boundary walls of the development. However, given the limited height of the new development (single storey with sloping roofs), I am not persuaded that the proposal would be harmful to the living conditions of future occupiers of the development with regards to outlook or increased sense of enclosure, that would justify a refusal of permission.
14. With regards to internal living space, each new dwelling would include a well proportioned open plan living/dining/kitchen and satisfactory bedrooms and bathrooms which could accommodate suitable furniture and storage space. Furthermore, both units also include living/dining areas with large bi-folding doors ensuring that each unit would benefit from good levels of light and outlook. On balance, I find that the new dwellings would provide a satisfactory living accommodation for future occupiers with sufficient levels of internal space, private amenity space and outlook.
15. As such I find no conflict against LP Policy DM1, which amongst other things, seeks to ensure that proposals provide adequate residential amenities for future occupiers. However, this is just one matter in the overall assessment of the proposal and does not alter my judgement set out earlier.

Other Matters

16. I have had regard to the comments contained within the appellant's statement and design and access statement. This highlights the need for smaller units to provide for accommodation for both the young and the elderly, and that the properties are intended for rental purposes only. It is also stated the proposed scheme makes best use of the land available, and that additional trees would be planted. However, in my opinion this would not overcome the harm I have identified above to the character and appearance of the area. There are no material considerations of sufficient weight or importance that determine that

the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused

Conclusions

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

R Satheesan

INSPECTOR