
Appeal Decision

Site visit made on 1 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/U2235/W/18/3216553

Land to rear of 14 - 16 Tonbridge Road Maidstone ME16 8RP

- 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 Hamad Properties against the decision of Maidstone Borough Council.
 - The application Ref 18/504398/FULL, dated 13 August 2018, was refused by notice dated 15 October 2018.
 - The development proposed is a four storey development of 1 No two bedroom flat and 6 No one bedroom flats, with car parking, bin storage, cycle storage, motorcycle parking, visitor parking, means of access and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of existing occupiers, with particular regard to outlook for the occupiers of No's 12 to 18 Tonbridge Road and amenity space for future occupiers of the proposed development.

Reasons

Character and appearance

3. The appeal site is located to the rear of Nos 14 to 16 Tonbridge Road to the south west of Maidstone town centre. It is located within a triangular piece of land bounded by Tonbridge Road, Terrace Road and London Road. These are all main circulatory roads that serve the town centre. The appeal site takes its access and frontage from the south side of an unnamed road off Terrace Road. The site is regular in shape and appears to have formed the rear amenity areas of Nos 14 to 16 Tonbridge Road. The land rises towards the northwest and is bounded by timber fencing.

4. The area is characterised by a mix of high density housing and commercial premises, of various heights and designs. To the north of the site there is a commercial garage and Premier Inn hotel. To the west lies a block of flats known as Nolan Court. Large semi-detached residential properties converted into flats, are located to the rear of the site. The appeal site was vacant at the time of my site visit and appeared to be used for informal parking with a detached garage style outbuilding to the north.
5. The proposed development would be of contemporary design and four storeys high. It would provide a total of seven flats, with six one bedroom flats within floors one, two and three, and a seventh two bedroom flat within the roof void. It would be sited across the width of the plot, with the front elevation facing the unnamed access. Car parking would be provided to the front, below and to the rear of the building, with the rear parking area accessed from beneath the first floor flats.
6. My attention has been drawn to the planning history of the site, including application Ref 17/503044/Full which was refused by the Council in 2017. This appeal scheme seeks to overcome the reasons for refusal of the 2017 case. There are a number of differences between the 2017 application and the scheme before me. The building has been re designed and repositioned to increase the distance between the development and rear of the properties in Tonbridge Road. The building now spans the width of the site and the external stairwell has been re-located closer to the access road.
7. Housing at high density is an accepted characteristic of the area. This trend is set to continue with the likely development of an additional 15 dwellings at 6 Tonbridge Road, allocated in the Local Plan. It is recognised that there are other substantial buildings in the immediate area. However, the design of the building, which spans the full width of the site, together with the forward siting of the stairwell, results in very limited space between the building and site boundaries. Consequently, it would appear very cramped and overcrowded within this very constrained site. Moreover, this lack of space means that there are inadequate opportunities for landscaping to allow the building to integrate positively into the area.
8. Whilst the partly glazed gable does add some interest, the overall design of the front elevation, gives the impression of being overly utilitarian in appearance, failing to take the opportunity to add to the vitality, quality and character of the area. The lack of scope for meaningful planting or amenity space, to soften the area of parking and hard landscaping gives it a harsh and uncompromising appearance.
9. Overall, I find that the proposed development by virtue of its size, siting and design would result in a building that appears cramped and overly utilitarian in appearance. It would therefore conflict with Policy DM1 of the Maidstone Borough Local Plan (2017), which seeks to ensure that new development responds positively to the local character of the area with regard to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

Living conditions

10. The properties most likely to be affected by the proposed development, are Nos 14 and 16 and to a slightly lesser degree No 18 and No 12. The distance

from the rear of these properties to the rear elevation of the proposed building has been slightly increased from the previously refused scheme. Nonetheless, the building would still result in an unacceptable sense of enclosure to the affected properties.

11. I recognise that there are other buildings of a similar scale and height in the immediate area. I am also aware that the height of the building, with the exception of the gable, has been slightly reduced. Nonetheless, the height, width, siting and size of the proposed building, would appear overlarge and dominant when viewed from the rear windows and gardens of these properties.
12. Whilst some landscaping could be secured by condition, the scale of the proposed building within this constrained plot gives little scope to provide meaningful landscaping. Similarly, the submitted plans do not indicate the amount or location of any amenity space for future residents. The rear parking and turning area indicate that the only realistically accessible space would be to the front of the building. The available area would thus be very small and sited very close to the access road where it would be readily overlooked. Overall therefore, I find that the proposed development would fail to provide adequate quality amenity space for future occupiers of the flats.
13. Thus, I conclude that the proposed development would result in an increased sense of enclosure, resulting in a dominant and unacceptably overbearing form of development that would be harmful to the living conditions of the occupiers of No's 12 to 18 Tonbridge Road and future occupiers of the flats. There would be conflict with Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017). In summary these policies cumulatively aim to ensure that new development respects the amenities of occupiers of neighbouring properties by ensuring that the outlook for adjoining residents will be safeguarded.

Other matters

14. I am aware that pre-application advice was sought in 2016, for the redevelopment of this appeal site. However, planning authorities are not bound by any informal advice given by officers. My assessment is therefore based on an impartial assessment of the circumstances of the case and the evidence before me.

15. I acknowledge the proposed scheme would make efficient use of the site and provide an additional seven dwellings. Nonetheless these limited benefits would not outweigh the significant harm I have identified to the character and appearance of the area and living conditions of existing and future occupiers.

Conclusion

16. For the above reasons the appeal is dismissed.

Hilary Orr

INSPECTOR