



Appeal Decision

Site visit made on 20 August 2019

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/U2235/D/19/3230380

1 South Park Road, Maidstone ME15 7AH

- 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 D Monahan against the decision of Maidstone Borough Council.
 - The application Ref 19/501666/FULL, dated 1 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed was originally described as 'two storey rear extension with loft conversion'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development on the original planning application form is set out in the banner heading above. However, I consider this description does not fully reflect the development as proposed. I have assessed the development on the basis it is described in the Council's decision notice and appellant's appeal questionnaire, where it is described as 'Demolition of existing conservatory and erection of a two storey side extension, with loft conversion and rear dormer', which more accurately defines the development.
3. The appellant's appeal statement has referred to this appeal being against the refusal of both planning permission and listed building consent. However, it is clear from the information before me in the respective appeal questionnaires and Council's decision notice, that this appeal is against the refusal of planning permission only.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area and the host dwelling.

Reasons

5. The appeal site dwelling forms the north western side (left hand side when facing it) of a terrace of three dwellings of a substantially symmetrical form. The appeal site and other end dwelling providing a hipped gable roof either side of the substantial central cross-gable roof of the middle dwelling. This distinctive symmetrical arrangement is typical of other three and six-terrace

- dwelling in the street scene, which have a central gable and hipped end terraces. Other semi-detached, four and six terrace dwellings nearby on South Park Road whilst not having the central cross-gable, appear to retain a symmetry and balance, with hipped gable roofs at each end.
6. The existing size, positioning and shape of the gables, and the symmetrical shapes provide a strong balance, rhythm and unifying character to this part of South Park Road. The proposed development would substantially extend the left hand dwelling by over half the width of the existing dwelling house, change the roof shape to a conventional gable, and create a sizeable rear dormer. This would detrimentally and harmfully disrupt the balance, symmetry and rhythm of the host building.
 7. The appeal site is prominently sited by virtue of its position on a highway bend and the last dwelling before the verdant frontage of a public open space (Mote Park). The new roof shape would have the effect of significantly increasing the bulk and massing of the proposed side extension. The wedge-shape of the plot results in the proposed extension being closer to the public highway, which exacerbates the overbearing appearance in relation to the host dwelling. It also gives an eminence to the unbalancing effect, and the incongruous appearance of the proposed development compared to the many similar dwellings nearby.
 8. Whilst the proposed dormer would generally not be visible from South Park Road, it is visible from parts of York Road and there would be glimpses of it on the path at the entrance to Mote Park. The proposed dormer is a sizeable addition, which would further contribute to the unbalancing effect visible from the side and rear of the appeal site.
 9. The appellant has questioned the harm of the extension even if it appears as another dwelling on the terrace (as intimated by the Council), given there are a number of different size terraces in the street. I have set out the harm above that arises from the proposed development in terms of its size, shape and appearance.
 10. For the reasons set out above, the proposed development would be significantly harmful to the character and appearance of the host dwelling and the area. Consequently, in this regard the proposed development conflicts with Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017). These, amongst other things, require that extensions are of a high quality design that is of a scale, form and appearance which would fit unobtrusively with the existing building, and the character of the area. The proposed development would be contrary to the advice in paragraphs 4.40, 4.42 and 4.43 of the Maidstone Local Development Framework Residential Extensions Supplementary Planning Document (2009). These amongst other things, expect extensions should not dominate the original building, be well proportioned, present a satisfactory composition with the house, and normally be roofed to match or be similar to the existing building in shape.
 11. The proposed development would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) which requires that (amongst other things) development adds to the overall quality of an area and is sympathetic to local character.

Other Matters

12. The appellant has referred to a two storey side extension nearby at No. 36 South Park Road, pointing out perceived inconsistencies between that decision and the decision at No. 1. I have not been provided with the full details of that development and so am not aware of the full circumstances. On my visit I noted that the plot shape and location of No. 36 is markedly different to the appeal site, as it is near the end of a spur or cul-de-sac off the main thoroughfare. The development also had a hipped gable roof, similar to and in keeping with other terraced dwellings on South Park Road. Therefore, the development and location of No. 36 appears different and not directly comparable to this appeal scheme before me. Furthermore, and in any event each development must be considered and determined on its individual merits.
13. The appellant considers the Council's reference to the site being a 'corner plot' is incorrect. I have determined this appeal based on the plot position as it exists on South Park Road.
14. I note that representations set out concerns about parking, which it appears could be adequately accommodated within the site and the Council is satisfied as such. In terms of the matter raised in respect of potential damage caused by construction, I have seen no substantive evidence that such damage would be likely to occur, or that it would not be covered under separate legal rights. In terms of the matter raised in respect of a private right of access, such property rights are a private matter between the relevant parties. Furthermore, a planning permission would not override any legal rights of access.

Conclusion

15. The proposed development would result in significant harm to the character and appearance of the host dwelling and the area. There are no considerations advanced which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR