



Appeal Decision

Site visit made on 10 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2019

Appeal Ref: APP/U2235/W/19/3232387

Land to the rear of 48 Beaconsfield Road, Maidstone ME15 6RU

- 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 Clarkson against the decision of Maidstone Borough Council.
 - The application Ref 19/501517/FULL, dated 25 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is demolition of garage and erection of a pair of attached 1 1/2 storey dwellings with a covered parking space each.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The main part of Beaconsfield Road runs east from Wharf Road. It is characterised by terraced dwellings of generally uniform designs set within a traditional layout of rectangular plots with relatively shallow frontages but deep gardens to their rear. The scale of these gardens is apparent from Beaconsfield Road as it turns at the junction with Hughenden Reach to run south towards Church Street, rising with the land levels. This provides for a spacious setting to the terraces fronting the street, and many of the gardens contain mature trees contributing a well-established feel to the area.
4. The appeal site comprises a detached garage and area of overgrown land set between the rear of the fenced garden of 48 Beaconsfield Road and a single storey garage at the rear of 40 Church Street. It faces the gated entrance and grounds of the Archbishop Courtenay Primary School. To the south of the school and set to the rear of 38 Church Road but facing Beaconsfield Road is 38A Church Road. This detached dormer bungalow is set on an irregular plot with the main garden provided to the side and modern flatted blocks on Hughenden Reach at the north add further variety to the built form nearby. This part of Beaconsfield Road close to the appeal site therefore has a more varied character than the main section of the road, although there remains a general feeling of space around development as a consequence of the deep garden backdrops of Beaconsfield Road and Church Road and the open grounds around the school.

5. The proposed pair of semi-detached dwellings would have first floor accommodation within their asymmetric pitched roof forms served by dormer windows and rooflights. While their design would be in contrast to the traditional two-storey terraced dwellings typical of the main section of Beaconsfield Road, they would be similar in form to 38A Church Road and would be seen in the context of the more varied section of Beaconsfield Road which they would front. Given the lack of a consistent character to the immediate street scene, the design of the dwellings and their traditional detailing would not appear incongruous. The appellant comments that the development would have a mass and scale akin to many mews buildings found at the rear of residential properties, and in my view the scale and proportions of the dwellings themselves would sit comfortably against the context of the surrounding larger development on Beaconsfield Road.
6. However, built form would fill the majority of each plot. The dwellings would be set very close to the front, flank and rear boundaries of the site, and the minimal separation that would be afforded would leave very little space for garden areas and would deprive the houses of a proper setting or opportunity for landscaping. Although landscaping is not currently a feature on the west side of Beaconsfield Road, this reflects the nature of the street scene comprising fencing to the deep back gardens of the dwellings to the north and south, rather than a typical setting to the frontages of the dwellings in the vicinity.
7. Given the location of the site and increase in land levels towards the south, the scale and layout of the tight plots in relation to the large size of the proposed dwellings would be clearly apparent from the street scene. The lack of space around the dwellings would give rise to an unduly cramped appearance. This would be at odds with the prevailing generous settings of the nearby properties and the established pattern of development in the vicinity of the appeal site and would seriously undermine the spacious character of the surrounding area. Furthermore, the proposed dwellings would have no immediate neighbours and would appear as an isolated feature standing out amongst the long rear gardens on Beaconsfield Road which would add to their conspicuousness.
8. I note that the positioning of the dwellings is intended to follow the pattern of the existing fence line close to the footway to this part of Beaconsfield Road and to define the urban edge. However, while frontages to dwellings within this area are generally relatively shallow, dwellings are nevertheless set back from the street which contributes to their overall spacious setting. The proposed layout would be out of keeping with this typical arrangement and would erode the spacious feel of the area to the detriment of its character.
9. I acknowledge that the proposal would reduce the extent of boundary fencing and would introduce a frontage to this part of Beaconsfield Road. However, there is existing activity to this part of the street scene as a consequence of the frontage of 38A Church Road and the entrance and grounds of the Archbishop Courtenay Primary School. The existing boundary treatment close to the appeal site is not of a height, length or condition which results in a feature that is unduly dominant or detrimental to the appearance of the street scene. While I note the overgrown nature of the appeal site currently, I am not therefore convinced that the proposal would offer any tangible visual benefits in this regard.

10. While the height and design of the dwellings themselves would not be incongruous in their setting, I therefore conclude on the main issue that the proposed development would cause harm to the character and appearance of the area. This would be contrary to Policies SP 1, DM 1 and DM 11 of the Maidstone Borough Local Plan 2017 (MBLP) which include requirements that new development responds positively to, and where possible enhances, local distinctiveness and the character of an area including with regard to matters of scale and site coverage. It would also conflict with the core planning principle within the National Planning Policy Framework of ensuring high quality design.

Other Matters

11. I note that the appellant engaged in pre application discussions. However, I have considered the appeal proposal on its own merits and made my own assessment as to its impacts.
12. Despite the concerns of local residents, the Council has raised no objections to the proposal in relation to overlooking or highway safety. However, the absence of harm in relation to these matters is a neutral factor in the planning balance. While the development would provide an alternative to flats and would have provision for off street parking, this limited benefit of the proposal is insufficient to outweigh the harm that I have identified in relation to the main issue.
13. Whilst not a reason for refusal, the Council in its officer's report and local residents raise concerns about a loss of outlook to the rear garden of 46 Beaconsfield Road. The proposed dwellings would be of a significantly greater height than the existing boundary fence to the rear garden of No 46, and would be set very close to the boundary for much of its depth. These factors combined would result in the development causing a significant degree of enclosure to No 46's rear garden from where it would be seen as an overbearing and unacceptably dominant feature which would adversely affect outlook to the detriment of the living conditions of the occupiers of No. 46. However, whilst recognising this matter, I am mindful that it is not a reason for refusal for the application and as a result has not been addressed by the appellant as part of this appeal. With this in mind, I confirm that the harm that would arise in relation to the main issue in this case in itself provides compelling grounds to dismiss the appeal.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR