The Planning Inspectorate

# Appeal Decision

Site visit made on 9 October 2019

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 October 2019**

**Appeal Ref: APP/U2235/W/19/3233424**
**St. Luke's Studio, St Luke's Avenue, Maidstone ME14 5AL**

- 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 J Norris against the decision of Maidstone Borough Council.
- The application Ref 19/501591/FULL, dated 27 March 2019, was refused by notice dated 11 June 2019.
- The development proposed is demolition of existing buildings and erection of a single storey dwelling.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the development on (a) the character and appearance of the area, (b) the living conditions of future occupiers in terms of light to and outlook from habitable rooms, and (c) the impact on the living conditions of occupiers of the adjacent dwelling, 1 Wright Mews.

## Reasons

*Character and appearance*

3. The appeal site has an irregular shape and comprises a detached single storey brick building, now vacant but previously used as a studio, and a dilapidated greenhouse on a narrow strip of land to the rear of this. There is a high wall to the St Luke's Avenue frontage with gates for a vehicular access. The studio aligns approximately with the front walls to two storey dwellings along this side of St Luke's Avenue to the north of the site but is forward of the frontage to Wright Mews, a recently constructed three storey terrace of houses to the east of the studio. The surrounding area is residential in character comprising mainly two storey houses of varying size, design and age.

4. The site is located within an urban residential area to the north of Maidstone town centre. I have no reason to disagree with the Council's finding that the use of the site for residential purposes is appropriate. The Council has commented that the existing building has some interesting design flourishes and brickwork, particularly the eaves. However, the central front section has been infilled with brickwork that does not match original brickwork elsewhere. The building also has structural faults including a wall that is bowing. The building does not have a protected status and I consider its redevelopment to be acceptable.

5. The proposed single storey dwelling would have a pitched roof for that part of the building similarly sited to the existing studio, but a flat roof for the elements to the front, side and rear of this. The dwelling would have a curious appearance in the street scene surrounded by higher buildings generally with shallower pitched roofs. But the siting and form of the pitched roof element would be similar to that of the current building and so would have a neutral effect on the character of the area. However, the flat roofed area to the front of this would be substantially forward of the front walls to the garage and house at 24 St Luke's Avenue adjacent to the site's northern boundary. Although this element would be partially screened by the high front boundary wall it would be open to view through the site access and a prominent incongruous feature.

6. The proposal overall would therefore have an adverse effect on the character and appearance of the area. It would conflict with Policy DM1 of the Maidstone Borough Local Plan (2017) (MBLP) that requires proposals to respond positively to, and where possible enhance, the local, natural or historic character of the area with regard to factors including scale, height, materials, detailing and site coverage. The Council's refusal reasons also refer to Policy DM9 of the MBLP but as the proposal does not relate to the extension, conversion or redevelopment of a residential site, this policy is not relevant. Whilst the principle of a residential use on this site would accord with Section 11 of the National Planning Policy Framework (the Framework) that encourages the effective use of land, the siting and design of the proposal would not be in accordance with Section 12 in achieving well-designed places.

*Living conditions of future occupiers*

7. The dwelling would be of satisfactory size for a one bedroom dwelling and would have adequate garden and parking areas. The Council considers that the use of high level windows to both flank walls close to boundary fences would restrict light and outlook. However, the provision of roof lights to the pitched roof and a sky lantern over the kitchen would ensure satisfactory natural light is received. The central living and dining area would also benefit from outlook to the front of the site through a window about 2m high alongside the entrance. The kitchen and bedroom would both have conventional domestic windows ensuring adequate outlook.

8. The proposal would thereby provide an adequate standard of accommodation for future occupiers in respect of natural light and outlook. It would be compatible with the part of Policy DM1 that requires good design and provision of adequate residential amenities for future occupiers.

*Living conditions of adjoining occupiers*

9. The end of terrace house, 1 Wright Mews, currently has an outlook on to the rear gable end to the pitched roof over the studio at fairly close quarters. The pitched roof to the proposed dwelling would have a hip instead of a gable which would reduce its massing by comparison. But the building would be sited closer to 1 Wright Mews with a separation distance of only about 2.20m. Whilst acknowledging that the existing building has an impact on living conditions at 1 Wright Mews, the proximity of the proposed building would have a significant adverse effect on outlook from the front ground floor kitchen window and to a lesser extent from the first floor windows above. The flat roof section containing the kitchen would wrap around the side of 1 Wright Mews to a degree, but this would be lower and not restrict outlook from windows.

10. In relation to the closer pitched roof element to the proposed dwelling the proposal would be contrary to Policy DM1 of the MBLP that requires proposals to respect the amenities of occupiers of neighbouring properties and not result in an unacceptable loss of privacy or light. There would also be conflict with Paragraph 127 of the Framework that requires planning decisions to ensure that developments create places which promote health and well-being with a high standard of amenity for existing and future users.

**Conclusion**

11. The Council can currently demonstrate a five year housing land supply. Nonetheless, the proposal would have the benefit of providing an additional housing unit in a sustainable location that would contribute to the general housing need. However, this benefit would be outweighed by the harm arising to the character and appearance of the area and to the living conditions of the occupiers of 1 Wright Mews.

12. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

*Rory MacLeod*

INSPECTOR