



Appeal Decision

Site visit made on 29 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/U2235/W/19/3232437

102 Plains Avenue, Maidstone ME15 7AY

- 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 Andrew Curtis against the decision of Maidstone Borough Council.
 - The application Ref 19/501505/FULL, dated 22 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is the erection of a new four bedroom dwelling to the rear of 102 Plains Avenue.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the development on the character and appearance of the area, and; ii) whether the proposal would provide suitable site access for future occupiers and other users.

Reasons

Character and appearance

3. The appeal site is located in a residential area typified by brick and tile dwellings of varying styles, ages and heights. Most dwellings in the area, whether they be terraced, semi-detached or detached have frontage onto the highway with gardens to the rear, some of which contain domestic outbuildings and garaging.
4. The site is in an urban area of Maidstone where the principle of development is accepted on appropriate sites including garden land as set out in Policy DM11 of the Maidstone Borough Council Maidstone Local Plan 2017, (MLP). The development would be located on the uncultivated section of the garden to the rear of the host dwellings at Nos 102 and 102b Plains Avenue, with a side boundary to the back gardens of dwellings fronting onto Cranbourne Avenue.
5. The site is accessed via a narrow service road which runs between Nos 102b and 104 Plains Avenue and also from Devon Road. The Plains Avenue service road turns left along residential garages and gates to the rear of dwellings that front onto Plains Avenue. The appeal site lies behind wire gates on the right-hand side of the same service lane and faces onto a grassed recreation ground that includes a children's play area. The development would be a two-storey, brick and tile, part-rendered, 4-bedroom house. The dwelling would have two parking spaces accessed from the service road.

6. I note the appellants reference to a previous application on this site (18/506201/FULL), for a similar proposal to the one before me that was refused by the Council. Subsequent changes have been made to the orientation and visual appearance of the dwelling before resubmission for planning approval; these include a reduced footprint to accommodate an increased ridge height, and brown roof tiles with brick and rendered elevations to accord with the appearance of the surrounding area. However, despite the notable visual improvements to the dwelling and the presence of existing landscaping, the proposal is still a prominent development adjacent the recreation ground. As such, the dwelling would be highly visible from the surrounding public areas for example, but not limited to, passers-by, dog walkers and families accessing the recreation ground.
7. Further, where back garden development exists nearby it is typified by single storey extensions as part of the main dwelling. The two-storey proposal, whether its side elevation is 'active' or not, due to its scale and mass would, in this particular location, be incongruous and appear cramped on the severed back-garden plot which is surrounded by existing development that is typified by longer back gardens. Moreover, the siting of the proposal is at odds with the wider and prevailing pattern of development which is typified by dwellings in rows facing onto the main highway.
8. Therefore, the proposal is contrary to Policies SP1, DM1 and DM11 of the MLP and the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments contribute positively to the distinctive character and appearance of an area.

Site Access

9. The narrow vehicular and pedestrian access along the unmade service road to the appeal site would be shared with garage users to the rear of Plains Avenue and residents or their visitors using or crossing the recreation ground. Whilst the existing access is less than ideal, due to its relative narrowness and lack of streetlighting, the addition of one new dwelling is unlikely to create unreasonable amounts of additional activity, whether by car or foot. As such, the proposal would not cause further harm to the current access arrangements or overall suitability of the service road.
10. Therefore, the proposal accords with Policy DM11 of the MLP which requires that development should provide access of an appropriate standard to a suitable highway, and Paragraph 108 of the Framework which states that development must have a safe and suitable access.

Other Matters

11. I acknowledge that the design of the proposal is acceptable, and that suitable materials could be employed. I also accept that the site is close to services and amenities in Maidstone, and that it would not impact on the living conditions of the adjoining occupiers. However, while these matters weigh in favour of the appeal, I do not find that either individually or cumulatively that they outweigh the harm that I have identified above.

Conclusion

12. While I have found that the site access is acceptable, this does not overcome the harm to the character and appearance of the area. For the reasons given above I conclude that the appeal should be dismissed.

JE JOLLY

INSPECTOR