



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: 12 November 2019

Appeal Ref: APP/U2235/W/19/3234669

3 Kingsbroom Court, Kingswood ME17 3ST

- 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 Mrs Linda Ashman against the decision of Maidstone Borough Council.
 - The application Ref 18/506491/FULL, dated 12 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is the construction of a new dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; (i) The effect of the proposal on the character and appearance of the area with particular reference to encroachment into the open countryside, and (ii) whether the development would be in a suitable location with particular regard to access to local services and public transport.

Reasons

Policy

3. There is a dispute between the main parties as to whether or not Kingswood has a defined settlement boundary. Regardless of this, there is no dispute that for the purposes of the development plan, is the site falls within the countryside in the context of Policy SP17 of the adopted Maidstone Borough Council Maidstone Local Plan 2017 (MLP). As such, Policy DM11 of the MLP, as referenced by the Appellant, which relates to urban areas is not pertinent to the appeal site. Accordingly, the proposal is located in the countryside for planning purposes and I have proceeded on this basis.

Character and appearance

4. Kingswood is located in open countryside approximately 13km away from the town of Maidstone. The settlement is typified along Broomfield Road by detached dwellings, many of which face onto the single-track lane. Most properties, including the host dwelling No 3 Kingsbroom Court, appear to have large gardens to the rear. No 3 forms part of a small mews development where the appeal site is accessed through a gate to the side of the host dwelling. The gate leads to lawns and a semi-wooded back-garden, some of which would be retained for the existing dwelling. Beyond the rear fence the garden transitions in to denser woods and open countryside.

5. The proposal is for a back-garden two-storey, 4-bedroom, chalet style property that would face the host dwelling with a garden extending to the existing rear boundary.
6. The unusual siting of the development behind the host dwelling, and away from the road frontage, would be an unwelcome encroachment into the countryside and cause harm to the character and appearance of the area which could not be overcome through the imposition of a landscaping condition.
7. Indeed, my opinion is reinforced by the facts 'on the ground'; namely the less formal nature of the appeal site, in comparison to the garden associated with the host dwelling, which provides a subtle and necessary blending with the adjacent woodland and open countryside at the very edge of the defined Kingswood boundary.
8. Further, the proposal, despite its relatively secluded plot, would also be incongruous with the surrounding built environment which is typified by dwellings facing onto Broomfield Road with long gardens to the rear, both of which help to retain a sense of spaciousness as part of the prevailing built form.
9. Whilst I acknowledge earlier appeal decisions for the same site put forward by the main parties, and that the appellant has sought to address concerns raised in those appeal decisions, following assessment of the proposal before me, and for the reasons described above, I find that the appeal scheme would not overcome those concerns.
10. Therefore, the proposal is contrary to Policies SS1, SP17 and DM30 of the MLP which state that development must not result in harm to the character and appearance of an area and where possible, enhance local distinctiveness, and Paragraph 79 of the National Planning Policy Framework (the Framework) which requires development to be sensitive to the defining characteristics of an area.

Location of the development

11. Kingswood offers some limited local services such as a convenience store, primary school and car maintenance services. However, the narrow unlit lanes and lack of pavements in Kingswood leading to the appeal site would make access to these services more desirable by car than by foot or cycle. Furthermore, there are comprehensive day to day services in the town of Maidstone; which are likely to be more attractive to future occupants than those available locally and therefore would likely encourage longer car journeys. Moreover, infrequent public transport, to and from Kingswood, would lead to at least some dependence on the availability of a car to access these urban services, particularly for households with mobility issues.
12. The appellant refers to Nos 1, 2 and 3 Kingsbroom Court and that they must have been considered to be in an accessible location when they were permitted in 2004. However, the Council's consideration of these dwellings at the time is not before me and I note that both local and national planning policy has changed since then. Therefore, I cannot be certain that the policy context at the time these dwellings were granted planning permission is similar to the current policy context. Accordingly, I attribute this matter very limited weight.

13. As such the appeal site would not represent a suitable location for the proposed development, contrary to Policies SS1 and SP17 of the MLP which state that urban areas will be the principle focus for development. For similar reasons, the proposal does not accord with Paragraph 78 of the Framework which requires sustainable development in rural areas which enhances or maintains the vitality of rural communities.

Conclusion

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

J E JOLLY

INSPECTOR