



Appeal Decision

Site visit made on 21 October 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

Appeal Ref: APP/U2235/W/19/3233906

73 Quarry Road, Maidstone ME15 6UB

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khadka against the decision of Maidstone Borough Council.
 - The application Ref 19/501815/FULL, is dated 8 April 2019 was refused by notice dated 6 June 2019.
 - The proposed development is a new three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council have provided an amended drawing, showing an amended roof design, that was provided to them after the submission of the appeal. It has not been formally submitted for my consideration by the appellant and therefore I have assessed the proposal on the basis of the plans on which the Council's decision was based.

Main Issues

4. The main issues are
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of 71 Quarry Road, with particular regard to privacy.

Reasons

Character and Appearance

5. The appeal site is located on the east side of Quarry Road and incorporates an end of terrace property at No.73. It is situated in an established residential area where the majority of the dwellings are small terraces that are similar in

design with spacious rear gardens. The terraces to the north and south of the appeal site mainly have hipped roofs or half hipped roofs, with noticeable gaps in between each terrace. The gap between No.73 and the neighbouring end of terrace property at No.71 is wider than those further north and this provides a sense of openness in an otherwise built up area. This gap also balances the terrace within which No.73 is, as the land adjacent to No.79, at the other end of the terrace, is also undeveloped. Although there are buildings of different architectural styles and scales to the west of the site, the similarly designed terraces, gaps and spacious gardens are a characteristic feature of the eastern section of Quarry Road and provide a strong sense of local distinctiveness.

6. The gable roof and detached form of the proposal would be a considerable deviation from the characteristic roofscape and built form of its neighbours to the north and south. Also, the small garden of the proposal is at odds with the garden sizes generally found in the area. The proposal would also reduce the gap between Nos.71 and 73, which would diminish the sense of openness, and would unbalance the host terrace. As such, the proposal would disrupt the established pattern and character of the eastern side of Quarry Road and would be an incongruous addition.
7. For these reasons, I conclude the proposed development would harm the character and appearance of the area. The proposed development therefore conflicts with Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan, adopted 25 October 2017, (the Local Plan) which generally seeks to ensure that developments are well designed and respect the local character. These policies are echoed within the National Planning Policy Framework (NPPF).

Living Conditions

8. The rear windows at first floor level in the proposed development, by virtue of the angle of the boundary and the proximity of the development to it, would directly look into the rear garden of 71 Quarry Road. Although there is an element of overlooking present to No.71 from the surrounding properties, it would not be as harmful as that resulting from the proposed development given the orientation and proximity of these windows to No 71.
9. The proposal would likely result in an unacceptable degree of overlooking, impacting the privacy of the adjoining occupiers of No.71. It would therefore result in unsatisfactory living conditions for these occupiers. For these reasons also, the proposed development conflicts with Policies DM1, DM9 and DM11 of the Local Plan which seeks to protect the privacy of neighbouring occupiers. These aims are echoed within the NPPF.

Other Matters

10. The appellant states the roof design is a matter of design detail and should not be grounds for a planning refusal. On the contrary, a proposal of this nature requires drawings to be submitted so that the development can be fully assessed.
11. The appellant states the proposal would create a spacious modern living environment for present and future occupiers. These benefits however would be limited and do not outweigh the harm.

12. The appellant refers to various other developments nearby that were permitted by the Council. However, I do not have full details of the circumstances that led to these decisions and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
13. Overall, the proposal fails to accord with the up to date policies of the Local Plan. It therefore cannot benefit from the presumption in favour of sustainable development.

Recommendation and Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR