
Appeal Decision

Site visit made on 27 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/U2235/W/19/3236805
75 Poplar Grove, Maidstone ME16 0AN

- 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 D Kedwell against the decision of Maidstone Borough Council.
 - The application Ref 19/502322/FULL, dated 4 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is a garage conversion & extension to form new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the appeal site and its surrounding area; and
 - ii) the living conditions of the future occupiers and those of the host property with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site accommodates a single-storey, double garage. It forms part of the garden area of the host property, 75 Poplar Grove, which is a two-storey semi-detached dwelling. The host property and its neighbour, No 77, form a corner plot and benefit from large gardens. The dwellings along the street vary in design, however they are all two-storey, semi-detached properties, which are set back from the road allowing front gardens and driveways. There is regular spacing between the dwellings in the immediate vicinity giving the area a distinctive spacious character.
4. The appeal proposal is for the conversion and extension of the existing garage to form a new dwelling. This includes the creation of a first floor, installation of an 'L'-shaped dormer and front Velux windows to the roof, together with a side and rear extension.
5. The Council's Residential Extensions - Supplementary Planning Document (2009) (SPD), which states that dormer windows should be proportionate in scale to the roof plane. Whilst the 'L' shaped dormer would be built to the same height as the ridge line of the existing building, it would occupy virtually the

entire roof slope to the side and rear. Its excessive size and bulk would be an unsympathetic and disproportionate extension to the original building and would be clearly visible from public vantage points and from the adjoining dwellings. The SPD also states that there should be a logical or symmetrical layout of doors and windows that should follow the vertical lines of these openings. The proposed windows in the dormer and those in the roof plane on the front elevation would not align with the proposed ground floor windows. Also the appeal proposal would lack the symmetry displayed on the adjoining dwellings.

6. Whilst the proposed side extension is set back from the front elevation, it would unacceptably reduce the generous separation gap with the adjoining dwelling, No 73. The two-storey rear extension would also extend further into the rear garden area and would similarly reduce the generous space between the existing building and the rear corner of the host dwelling.
7. Taken as a whole, the appeal proposal would appear as a cramped and incongruous form of development which would have a significantly harmful impact on the distinctive character and appearance of the area. It would appear at odds with the prevailing pattern of semi-detached houses in the locality and would erode the spacious character of the area by virtue of its excessive size, bulk and lack of symmetry of the windows and openings.
8. The appellant has drawn my attention to other flat roofed dormers in the vicinity, however, none of the examples illustrated are 'L' shaped and are therefore not directly comparable to the appeal proposals. I am also mindful that the proposals would be constructed in material to match. I have also had regard to the appeal decisions contained within the Officer report. These matters do not alter or outweigh the harm identified and, in any event, I am considering the appeal proposal with regard to its specific planning merits.
9. The proposed development would have a significantly harmful effect on the character and appearance of the area and the street scene. It conflicts with Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (LP) (2017), which seek, amongst other matters, to create high quality design which responds positively to the local character of the area.

Living conditions

10. The appeal proposal would provide two bedrooms at first floor level, one of which would be to the rear of the dwelling and would have a window. The window would be on the side elevation of the proposed dwelling and would be close to the windows on the side elevation of the host property, which serve habitable rooms. Whilst the windows are at an angle to one another, they are at a distance where there would be a significant level of overlooking. The bedroom window in the 'L'-shaped dormer would also unacceptably overlook part of the garden area of the host property, which currently enjoys a level of privacy.
11. The appellant, who resides at the host property, has stated he has no intention of leaving the dwelling. However, this does not overcome the harm to the future occupants of the proposed dwelling or those of future occupiers of the host property.

12. The appeal proposal would have a harmful effect on the of privacy to future occupiers and those of the host property at No 75 Poplar Grove. Consequently, the proposal conflicts with Policies DM1, DM9 and DM11 of the LP and the SPD, which require, amongst other things, development to have no significant loss of privacy.

Other matters

13. The appellant also highlights that there have been no objections to the proposal, however the lack of third-party objections does not comprise a benefit in favour of the proposed development.

Conclusion

14. For the reasons given above the appeal is dismissed.

Neil Smith

INSPECTOR