



Appeal Decision

Site visit made on 6 January 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/U2235/D/19/3237972

2 Toppesfield Park, Maidstone ME14 5BF

- 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 Ms Jacqueline Baldwin against the decision of Maidstone Borough Council.
 - The application Ref 19/502575/FULL dated 17 May 2019 was refused by notice dated 18 July 2019.
 - The development was originally described as a proposed loft conversion (new roof) with hip to gable extension to side elevation (East), Juliet balcony to East side elevation, 1 No fixed rooflight to flat roof section and 3 No link-pitched dormer to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for proposed loft conversion (new roof) with hip to gable extension to side elevation (East), Juliet balcony to East side elevation, 1 No fixed rooflight to flat roof section and 2 No link-pitched dormer to rear elevation at 2 Toppesfield Park, Maidstone ME14 5BF, in accordance with the terms of the application Ref: 19/502575/FULL, dated 17 May 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 915-01, 915-02, 915-03 Rev:A, 915-04, 915-05, 915-06 Rev:A, 915-09 and 915-010.
 - 4) The loft conversion hereby permitted shall not be occupied until the windows to the 2 No dormers at the rear elevation have been fitted with obscured glazing of level 3 or higher, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained as such thereafter.

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 Matter

3. Although the application forms referred to 3 No. link-pitched dormers to the rear elevation, the proposed drawings show 2, and this is reflected in the decision notice and the appellant's ground of appeal. As such, the description of the development used in the decision above reflects that used in the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site accommodates a two-storey detached property which is located on the north eastern corner of Toppesfield Park which is a cul-de-sac. Whilst there is some semblance of consistency to the south side of Toppesfield Park by virtue of similarly designed properties, the appeal site and its immediate neighbours are drastically different in size and style and there is no particular sense of uniformity that flows within this section of Toppesfield Park. The main roof form of the appeal property is hipped but contains a decorative gable end roof to the front elevation as well as a catslide roof feature. These roof styles can be seen on various surrounding properties, including those on Marston Drive to the east and Abberley Park to the north. A combination of these roof styles were also witnessed on individual properties, including No.6 which has a hipped and gable roof, and the properties along Abberley Park which contain a mix of cat slide and gable roofs.
6. The proposed development would incorporate a hip to gable roof extension to the east, change in eaves level to the rear and a change in height of the main roof.
7. Given the variety of roof profiles witnessed, including a mixture of roof types on individual properties, the gable roof to the east of the appeal property would not appear incongruous within the street scene. It would also respect the existing dwelling as it would complement the gable end roof to the front elevation.
8. The Council state that the proposed eaves and ridge height would be increased by 1.3m and 0.3m respectively. The proposed eaves level at the rear would match that at the front of the dwelling and the proposed ridge height would not exceed the existing maximum ridge height. This combined with proposed matching materials to the existing dwelling, and differing styles of houses within the immediate vicinity, amounts to a development that would not appear unduly incongruous when viewed in the street scene or obtrusive.
9. The Council state the proposal detracts from the characteristic roof profile of the street and so would be contrary to the guidelines within the Residential Extensions Supplementary Planning Document, adopted May 2009 (SPD). However, as the immediate neighbours and properties to the north have no single distinctive roof form, it would not be contrary to the SPD.
10. The proposed rear dormers would be relatively small and unobtrusive, and the Juliet balcony would not be harmfully incongruous by virtue of the various architectural styles witnessed within the immediate vicinity.

11. Based on the reasoning above, the proposed development would not have an adverse effect on the character and appearance of the area. It would therefore not conflict with Policies DM1 and DM9 of the Maidstone Borough Local Plan, Adopted 25 October 2017, (Local Plan), which seeks to protect the character and appearance of the area.

Other Matters

12. I note the comments from the neighbours at 43 and 45 Marston Drive regarding the impact of the proposed development on their privacy. However, I share the view of the Council in that there would be a sufficient distance between the appeal property and those at Marston Drive, even with the elevated position of the appeal property, to not detrimentally impact the privacy of the occupiers of Nos. 43 and 45.
13. The comments from neighbouring occupier at 4 Abberley Park also raise concerns regarding privacy. The proposed dormers to the north of the appeal property would face the rear garden and elevation of 4 Abberley Park from a relatively short distance. As such, these could have a detrimental impact on the privacy of the occupiers of 4 Abberley Park. A condition to mitigate this harm by ensuring the facing windows are obscurely glazed would therefore be appropriate.
14. The neighbour also makes comparison against a previously refused planning application (Ref: 18/504561/FULL) and states that this proposal does not address the concerns originally raised. I do not have details of the previous proposal before me. Nonetheless, I have determined this appeal on its own merits and find it acceptable.

Conditions

15. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure matching materials are used.
16. In order to safeguard the privacy of neighbouring occupiers, it is necessary to impose a condition requiring the rear dormers are obscurely glazing and have restricted opening. This condition differs slightly from that suggested by the appellant in that it excludes the phrase 'unless otherwise agreed by the local planning authority' as this aspect is vague.

Recommendation and Conclusion

17. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR