



Appeal Decision

Site visit made on 13 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/U2235/W/19/3239406

Church View, 4 St Martins Close, Maidstone ME14 3JS

- 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 Daniel Tong against the decision of Maidstone Borough Council.
 - The application Ref 19/502145/FULL, dated 25 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as change of use of land from open space to private land with a new fence and gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the development included in Part E of the appeal form as it more accurately describes the proposed works.
3. The Location Plan (K30142) and the Location Plan with Zoom (unnumbered) submitted include 3 individual strips of land marked with a red line, but all other drawings and the Statement of Case submitted seem to relate only to the strip of land furthest South and adjacent to 4 St Martins Close. I therefore have decided the appeal on this basis and have not considered any of the other strips of land identified within the Location Plan as part of this appeal.

Main Issues

4. The main issue in this appeal is the effect of the proposed development on
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of 4a and 5 St Martins Close, particularly in relation to outlook.

Reasons

Character and appearance

5. The appeal site is located in a quiet residential street, within a cul de sac, in a corner location adjacent to the western boundary of 4 St Martins Close. No 4a and 5 St Martins Close face the appeal site directly. The cul de sac is characterised by detached and semi-detached one and two storey properties,

- with front gardens that contribute greatly to the verdant and open character and appearance of the area.
6. Properties share a broadly consistent building line, set back from the road, with driveways to the front. Despite the wider area being quite open and verdant, the area immediately surrounding the appeal site feels more cramped and more densely developed than other sections of St. Martins Close, mainly due to a higher concentration of 2 storey dwellings in this particular section of the Close.
 7. Due to its location in the more urban and enclosed section of the Close, the appeal site does soften the built form and contributes to the character and appearance of the site.
 8. The proposed development would involve the enclosure of a landscaped strip of public open space which will then form part of the private curtilage of 4 St. Martins Close, resulting in the loss of a public asset.
 9. Although there are clear public benefits in taking land out of public and into private ownership, for example reduction of cost of maintenance, the development proposal would result in the loss of public open space, which, at the moment, makes a positive contribution to the appearance of the whole area.
 10. Concerns have been raised that the land is not well maintained and that it has a rather unkept appearance, which reduces its value in terms of public amenity. Nevertheless, the loss of this public asset and its incorporation into private property would further reduce its value to the public and severely erode its positive contribution to the character and appearance of the wider area.
 11. The development would, therefore, in that regard, harm the character and appearance of the area and consequently, be contrary to Policy DM1 of the Maidstone Borough Local Plan (2017) which requires development to respond positively to local character amongst other considerations.

Living Conditions

12. No 4a and 5 St Martins Close overlook the appeal site directly. At present, the appeal site provides a natural green separation between these two properties and the side garden fence of 4 St. Martins Close.
13. It is noted that the use of natural materials in respect of the proposed new boundary would go some way as to minimise the potential effects of the proposed development. Nevertheless, as the appeal site is already set atop a low brick wall, the proposed development would create a barrier of approximately 2.4 metres in height when viewed from street level.
14. Therefore, if the development proposal were to be allowed, it would result in a tall solid structure with an unacceptable enclosing effect on the outlook from the front elevation windows of No. 4a and 5 St Martins Close, to the detriment of the living conditions of occupiers of that property.
15. The development would have an unacceptable effect on the living conditions of occupiers of No 4a and 5 St Martins Close and, in that regard, be contrary to Policy DM1 of the Maidstone Borough Local Plan (2017) insofar as this is concerned with visual intrusion.

Other Matters

16. I note that Maidstone Council Corporate Property services have responded to the consultation on this appeal and do not have an objection to the proposal and support the application.
17. The site is within an Area of Outstanding Natural Beauty (AONB) but this is a suburban environment and a very small scale development. Consequently, I conclude that there is no need to give consideration to the protection of the AONB as required by the National Planning Policy Framework.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR