



Appeal Decision

Site visit made on 25 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/U2235/D/19/3239459

The Monards, Avery Lane, Otham ME15 8RZ

- 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 Lynden Gandotra against the decision of Maidstone Borough Council.
 - The application Ref 19/502389/FULL, dated 8 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is a replacement outbuilding to be exclusively inhabited as an annex ancillary to the principal dwelling house, together with garage and gym.
-

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 Matter

3. At the time of my site visit, the existing outbuilding had been demolished and building work was underway to construct a new outbuilding. I have though assessed the proposal based on the plans considered by the Council in its assessment of the planning application the subject of this appeal.

Main Issue

4. The main issue in the appeal is the effect of the development on the character and appearance of the host dwelling.

Reasons for the Recommendation

5. The appeal site accommodates a detached dormer bungalow and features a driveway, large back garden and horse riding ménage.
6. The proposed outbuilding would be significantly higher than the recently demolished outbuilding given the addition of a first floor. It would be located in close proximity to the rear of the host dwelling which is not uniform in height, and would have its lowest part is located closest to the proposed outbuilding. The height of the outbuilding would exceed the height of this part of the dwelling. This coupled with the close proximity would result in the outbuilding appearing dominant and out of keeping in terms of scale with the existing

dwelling despite the length and width remaining the same as the demolished outbuilding.

7. The garage doors on the front elevation of the outbuilding, facing Avery Lane, would give the appearance of an ancillary outbuilding to the main dwelling from this viewpoint. However, the scale and design, including the addition of the first floor and dormer windows, would give the appearance of a separate dwelling from the other three main elevations and I agree with the Council that the overall size of the outbuilding would not be subservient to the main dwelling. As a consequence, it would not be of high quality design and therefore harmful to the character and appearance of the host dwelling.
8. I note the appellants suggestion to undertake a scheme of landscaping at the appeal site and to use materials that mimic the existing outbuilding and agree these materials with the Council. However, these measures would not address the more fundamental issues of scale and design.
9. For the reasons above, I conclude that the proposal would have a harmful effect on the character and appearance of the host dwelling. It would therefore be contrary to Policies DM1 and DM30 of the Maidstone Borough Council Local Plan (Adopted October 2017) (the 'Local Plan') and the National Planning Policy Framework which seek, amongst other things, that development is of a high quality design and that the design, mass and scale of the development would maintain, or where possible enhance local distinctiveness. It is also contrary to Policy DM 32 of the Local Plan which states in relation to replacement outbuildings that they should be subservient in scale, location and design to the host dwelling. This is echoed in the guidance in the Residential Extensions Supplementary Planning Document (Adopted May 2009) which states that outbuildings should be subservient in scale to the original dwelling. Policy SP17 of the Local Plan requires that development must accord with other policies in the plan. Therefore, the proposal is also in conflict with this policy.

Other Matters

10. The appellant highlights that the accommodation would meet the needs of their family. I must have due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I do not doubt that the proposals would help accommodate the needs of the family. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same needs of the family.
11. I have had full regard to the sustainability benefits associated with replacing an existing building rather than a new development. However, this must be balanced with the environmental impacts that a development can have, and in this case the harm that I have identified would be significant and would not be outweighed by these considerations.
12. I acknowledge that the proposal does meet a number of policy objectives and both parties agree that there would be no adverse impact on the amenities of neighbouring properties or the character and appearance of the wider landscape, the lack of harm in these respects carries neutral weight. Also, the fact that no objections have been received from local residents, farmers or the

Parish Council does not lend significant positive weight to the proposed development.

13. The appellant has made reference to their frustration that other new buildings have been approved in the area, although no specific examples have been provided. Nevertheless, when assessing the difference between a specific existing outbuilding and its replacement, other cases would have little influence on my consideration.
14. Having carefully weighed the potential benefits of the scheme, including personal circumstances, I therefore consider that dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well established planning objective of achieving high quality design.

Conclusion and Recommendation

15. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR