
Appeal Decision

Site visit made on 8 October 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/U2235/W/20/3248387

Alpine, The Priory, East Farleigh, ME15 0EX

- 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 David Mellish against the decision of Maidstone Borough Council.
 - The application Ref 19/501571/FULL, dated 22 May 2019, was refused by notice dated 19 September 2019.
 - The development proposed is the construction of a house in the grounds of Alpine and a double garage for Alpine.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed house and garage on:
 - The character and appearance of the area around The Priory, and
 - Trees on and around the site of the proposed house.

Reasons

3. 'Alpine' is a detached house on a large plot within a residential estate based around Priory Close. This residential area is located to the east of East Farleigh in what is otherwise essentially open countryside. The area around the appeal site is characterised by generous to large plots with detached houses and bungalows of various styles and an abundance of mature trees and shrubs.
4. The appeal property has a large front garden laid to lawn and an access road off Priory Close, which is shared with other properties, including Priory House and Warwick House. To the south of Alpine is a detached bungalow known as Kalisz. The property also has a large rear garden, a detached garage and a relatively modern detached summerhouse. The proposed development would involve the demolition of the garage and summerhouse and the erection of a new house on a somewhat enlarged footprint. The proposed house would, therefore, be sited at the rear of the existing plot and it would have its own driveway and separate parking area. Its curtilage would lie between the reduced curtilage of Alpine and the plot containing Kalisz.

Character and appearance

5. The appellant has provided a character assessment of the surrounding area and I am satisfied that the design and general scale of the proposed dwelling in itself would be compatible with its surroundings. The assessment also includes an assessment of the density of development at a number of plots within the estate around Priory Close, with an emphasis on a limited number of smaller plots. On this basis, the density of development by way of footprint, proposed on the appeal site would be similar, or even better, than certain of the other selected properties in the area. However, in this case, I do not accept that the comparative density information is of much relevance to the likely impact of the proposed development on the overall character and appearance of the area.
6. From the information before me and from my visit to the area, it would appear that a significant majority of the house plots in the area are larger than that proposed for the development at Alpine. Even with regard to the relatively few smaller plots, it would appear that the effective amenity space around the houses on those plots would be greater and more usable than that proposed for the current proposal. This proposal would result in a plot that is very narrow at the front – most of which would be taken up with a long driveway leading to a parking/turning space – and with a very small amount of private amenity space at the rear around the house. This would be significantly out of character with the prevailing spaciousness associated with the bulk of the houses in the area. Most houses have generous to large front or back garden areas, or both, while the proposed dwelling at Alpine would have neither.
7. I note the existence of a nearby dwelling named Cuckoos Nest, which also has a long narrow plot, but this is the only one of its type in the area, and even here there would appear to be a more effective amenity area around the house itself. The proposed dwelling at Alpine, however, would appear cramped on its site and thus out of character, both with the dwellings on either side, and also with the general nature of the wider surrounding area. Furthermore, it would be sited in very close proximity to the existing dwellings on either side and, given the nature of the plot, this would add to its cramped character.
8. For the above reasons, I find that the proposed dwelling on its narrow and cramped plot would be significantly harmful to the established character and appearance of the area around Priory Close. On this basis, it would also conflict with relevant policies in the Maidstone Borough Local Plan. These include Policy DM1, which expects that proposals will positively respond to and, where appropriate, enhance the character of their surroundings; Policy DM11 which requires that development of domestic garden land to create new buildings should not result in significant harm to the character and appearance of the area; and Policy SP17 which requires that development proposals in the countryside should not result in harm to the character and appearance of the area.

Trees

9. The current curtilage of Alpine, in common with most other plots in the vicinity contains a number of mature trees on and around the property. Many trees in the wider estate are protected by way of a Tree Preservation Order (TPO) dating back to 1966. On the appeal site there are some mature trees including a Red Cedar, a Holly and a Silver Birch, all in the immediate vicinity of the

garage and summerhouse. The appellant has provided an Arboricultural Assessment to accompany the proposal, which indicates that it is difficult to identify individual trees from the TPO information available. Nevertheless, it would appear that these three trees in particular may well be covered by the TPO, which makes reference to trees of those types in that general location. Even if not, they are still key elements in helping to define the overall character and appearance of the plot and the wider surrounding area.

10. The assessment suggests that the trees are very close to buildings and may need to be removed to prevent damage. However, I note that there is no evidence of damage at this point in time and, therefore, no reason to suppose that removal is necessary. Moreover, the summerhouse would appear to be of relatively recent construction and the nearest trees would have been present at the time of construction. Any potential impact from these trees, present and future, would therefore have been known and, presumably, accepted.
11. The assessment also suggests that new planting, of appropriate type and size, could take place if the current mature trees were removed. However, such replacements could not maintain or enhance the current character and appearance produced by the existing trees and, in any case, there would appear to be so little amenity space associated with the proposed dwelling that it is unlikely any significant new planting of the necessary scale and type would be possible.
12. In the light of the above, I therefore conclude that the proposed dwelling would be likely to result in significant harm to or loss of trees that may be protected by TPO, and which are important elements in helping to define the character and appearance of the area around Priory Close. The proposal would therefore conflict with the Local Plan policies outlined above, for the reasons given above, and in addition would conflict with that element of policy DM1 that requires development to respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site.

Other Matter

13. The Council has raised no objections to the proposed double garage to be sited to the north of the existing house, and I concur with this opinion.

Conclusion

14. I find that the proposed house would appear cramped on its site and out of character with the general tone of development around Priory Close. Furthermore, I have significant concerns that the proposal would result in the loss of mature trees, some of which are probably subject to a TPO, and this also would be detrimental to the character and appearance of the area. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR