



Appeal Decision

Site visit made on 3 November 2020

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/U2235/W/20/3248091

1 & 2 New Cottages, Upper Street, Hollingbourne ME17 1UJ

- 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 Piper and Mr Jury against the decision of Maidstone Brough Council .
 - The application Ref 19/502435/FULL , dated 3 May 2019, was refused by notice dated 3 September 2019.
 - The development proposed is extensions to 1 and 2 New Cottages to form four terraced properties in place of a pair of semi-detached properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area and the Kent Downs Area of Outstanding Natural Beauty; and whether there would be harm to ecology and biodiversity interests.

Reasons

Character and appearance

3. The appeal site comprises a pair of semi-detached houses located on the eastern edge of Upper Street which forms part of the larger settlement of Hollingbourne, although lies outside of the defined settlement boundary. No 2 New Cottages has been previously extended with a two storey and single storey side extension. A new detached dwelling is currently nearing completion in close proximity to No 2 to the south west of that having been approved in 2018¹. The site backs on to open fields and there is a public footpath running in a broadly south west north east direction in front of the site. The site is adjacent to Hollingbourne Conservation Area and the whole area lies within the Kent Downs Area of Outstanding Natural Beauty (AONB).
4. The appellant argues that the site is already garden land and the proposed extensions would not be at odds with the surrounding landscape character, particularly with the northern boundary hedge being retained. It is also suggested that the proposed design approach will follow that already on the

¹ Application Reference No 18/501126/FULL

- site with simple vernacular forms and use of traditional materials. In consequence, the development would not be apparent in the wider landscape.
5. However, in my view the site is particularly important in forming a transitional role between the open rolling countryside to the rear and built development to the north and west. In that respect, the character of built development adjacent to the settlement is mainly that of larger properties in spacious plots which aids the transitional process to open countryside. As the appellant notes, No 2 has already been significantly extended to date, and with the new dwelling, the spacious character of these sites has already been somewhat eroded. The further extension at two storey level to No 2 would consolidate the massing of the building in close proximity to the new dwelling. At the other end, I noted that a good deal of the northern boundary hedging has already been removed and that in order to accommodate the proposed two storey extension at this point, it would be in close proximity to the boundary. Whilst not of good quality, the hedging would have performed an important function in preserving a natural vegetated boundary between open countryside and the site.
 6. The result of the above would mean a significant hardening of built form for almost the entire width of the site and at two storey level. That would be accentuated by the unrelieved roof form, despite no increase in existing ridge height, and in my view it would appear cramped and over developed as a result, which would further erode the sensitive transitional character of the site. Although the site might not be open to wider landscape views, the development would be particularly apparent from the public footpath adjoining the site, both when passing in front of it and also when approaching from the countryside to the north east.
 7. Although the Council is also concerned at the amount of parking that would result in the front garden area, I am mindful that it is currently dominated by parked vehicles and a large garage building. Subject to careful surfacing and substantial landscaping I am less concerned about that element of the scheme.
 8. Notwithstanding the issue on parking layout, for a combination of the above reasons, the development would cause visual harm and adversely affect the character and appearance of the area and this part of the AONB in particular.

Ecology and Biodiversity

9. The Council is concerned that the full impact upon nearby trees has not been demonstrated in the absence of a full arboricultural impact assessment. However, I observed on site that nearby trees, including those protected by a Tree Preservation Order a short distance to the south, would be well away from any proposed building works. I am satisfied therefore that had I been minded to allow the appeal, a suitable condition would have ensured the safeguarding of any potentially affected root systems of nearby trees. From a biodiversity point of view, I note that the Council's ecological advisors consider that the presence of bats cannot be ruled out and that there is a need for a bat scoping survey. However, other than that rather generalised comment, which could apply in many situations, there is no other evidence before me to suggest that the presence of bat roosting is likely and the appellant also confirms that is not the case. Similarly therefore, had I been minded to allow the appeal, I consider that a suitable condition for a bat scoping survey to be carried out prior to commencement of works, would have satisfied biodiversity issues.

10. Subject to such conditions I am satisfied that there would be no conflict with policies DM1 and DM3 in the Maidstone Local Plan 2017 (LP).

Other Matters

11. Although the site lies beyond the boundary of the settlement for planning policy purposes and therefore potentially open to objection for additional housing in the context of Development Plan policies, the Council raises no objections in that respect having regard to a previous appeal decision on the adjoining site². That decision recognised that the proximity of the site to other built development and services, together with opportunities for travel other than by private car, made it suitable as a housing site, and I see no reason to reach a different conclusion in this case. Similarly, although the site lies adjacent to the Conservation Area, I am satisfied that the physical separation and natural screening between the two would ensure that the character and the appearance of that Area would be preserved.

Conclusion

12. Although the proposed development could be acceptable in certain respects and some matters could be safeguarded by appropriate conditions, the bulk, extent, massing and form of development on such a sensitive transitional site adjoining the open countryside, would cause visual harm. It would therefore be contrary to Policies SP17, DM1 and DM30 of the LP in that it would not respond to the natural and sensitive character of the area and would cause harm to the character and setting of the AONB.
13. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR

² Appeal Reference APP/U2235/W/17/3176338.