



Appeal Decision

Site Visit made on 29 September 2020 by Emma Worby BSc (Hons) MSc

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/U2235/W/19/3243023

2 Elder Close, Kingswood ME17 3PR

- 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 J Hobson against the decision of Maidstone Borough Council.
 - The application Ref 19/504381/FULL, dated 29 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is a single storey rear extension to existing dwelling and erection of an additional adjacent new dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the development would provide satisfactory living conditions for its future occupiers with regards to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a two-storey semi-detached dwelling, with a conservatory to the rear, located on a corner plot between Elder Close and Chestnut Drive. It currently has a spacious front garden and is set back from both roads giving the site a spacious and open appearance. The proposal would replace the current conservatory on the existing dwelling with a rear extension and includes a new dwelling, which would be attached to the gable end of the current property, on the land between the existing dwelling and Chestnut Drive.
5. The spacious nature of the appeal site currently makes a positive contribution to the character and appearance of the area which comprises modest sized properties with a variety of designs, largely set back from the road with ample front gardens. Where corner plots sit 'gable end on' to Chestnut Drive, as in the

case of the appeal site and the bungalow on the opposite side of the junction, the side wall of the dwellings are generally set back from the highway by a sufficient distance to respect the established building line and maintain the open character which is a defining feature of the area.

6. Although the proposed new dwelling would maintain the large frontage, it would bring the development significantly closer to Chestnut Drive with a small gap remaining between the side elevation of the proposed dwelling and the adjacent footway. Due to its corner plot location, the proposal would be highly visible from the public realm. The two-storey nature of the proposed dwelling and its proximity to the road would diminish the open nature of the site and would create a dominant addition to the streetscene which would be out of keeping with the general layout of the surrounding area.
7. Although the proposed dwelling would mirror the design of the neighbouring two dwellings and would fit within the site constraints, its proximity to the road and the small size of the proposed gardens would give the site an overdeveloped and cramped appearance which would not match the spacious pattern of development in the area. It is noted that the area is not covered by any landscape designations or particular design guidance. However, good design is a requirement of all development and this would not negate the harm found.
8. The Council have raised no objections with regard to the single storey rear extension and I have no reason to disagree with their findings.
9. Consequently, the proposed development would result in harm to the character and appearance of the surrounding area and would be contrary to Policies DM1, DM11 and DM12 of the Maidstone Borough Local Plan (2017). These policies collectively seek to ensure that proposals respond positively to and do not compromise the distinctive local character of the area and that the higher density resulting from the development would not result in significant harm to the character and appearance of the area. It would also be contrary to the design objectives of the National Planning Policy Framework.

Living Conditions

10. The current garden serving 2 Elder Close would be subdivided to provide a garden for each property. The Council have stated that the size of these gardens would be approximately 25m² each, which has not been disputed by the appellant. Due to the level of built form on the site which would result from the proposed development and the small size of the gardens, compared to the relatively large garden which the appeal site currently benefits from, the two proposed rear gardens would both appear cramped and would not offer a sufficient private outdoor amenity space for future occupiers. Due to the limited overall footprint of the gardens future occupiers would feel somewhat hemmed in between walls and fencing resulting in a poor quality external environment.
11. It has been highlighted that there is public open space within 10 minutes' walk of the appeal site which could be used by the occupants instead. The proximity to these facilities would no doubt benefit the future occupiers. However, it is reasonable to expect that a two-bedroom property of this size located within a small and relatively rural settlement such as Kingswood, would provide adequate private amenity space and not rely on public open space in a way which would be more akin to a flat or a property in a denser urban

environment. The dwellings could appeal to those with young families and the cramped level of space available would leave little room to accommodate the combination of basic functions expected of such space, including outside play, drying facilities, sitting out and modest planting.

12. Although the occupiers would be aware of the level of amenity and some may prefer a smaller garden for maintenance reasons, this would not necessarily be the case for all and, having regard to the range of potential future occupants the proposed garden environment would not be sufficient in size and would provide unsatisfactory living conditions for future occupiers.
13. The appellant comments that the proposed dwelling would have a generous internal space and light are noted. However, all new dwellings are expected to provide a satisfactory internal environment and this does not outweigh the lack of sufficient private garden space and resultant harm found.
14. For the reasons above, I consider that the proposal would fail to provide satisfactory living conditions for the future occupiers of the proposed and existing dwellings. It would therefore be contrary to Policy DM1 of the Maidstone Borough Local Plan (2017) which seeks to provide adequate residential amenities for future occupiers of the development.

Other Matters

15. It is acknowledged that the proposal would provide an additional two-bedroom dwelling to the area's housing stock which is within a sustainable location and is intended to make efficient use of the site. It is also noted that there would be some small economic benefits from the construction of the proposal and the spending of its occupiers. However, as the proposal would only provide one additional dwelling, these benefits are considered to be minimal and would not outweigh the significant harm found.
16. The appellant has stated that an appeal was allowed in 2003 for a two-storey side extension to the appeal property, which was similar in size to the proposed new dwelling. However, no further details have been provided regarding the size and design of this extension. Even if the two proposals were similar in size, a side extension is somewhat different in character to new dwelling and therefore is not directly comparable to the appeal before me.

Conclusions and Recommendation

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

Emma Worby

APPEALS 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 dismissed.

Chris Preston

INSPECTOR