



Appeal Decision

Site visit made on 1 December 2020

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/U2235/D/20/3253360

Sunflower Cottage, Maidstone Road, Sutton Valence ME17 3LS

- 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 B Hatton against the decision of Maidstone Borough Council.
 - The application Ref 20/500626/FULL, dated 10 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the removal of existing fence and shed and erection of garage with store.
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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 visual amenities of adjoining residential properties.

Reasons

3. Sunflower Cottage is a large detached chalet style bungalow set back from Maidstone Road, which is a busy main road leading to the settlement of Sutton Valence. The property has a large mainly hard surfaced front driveway of irregular shape and extending forward of the front gardens of properties to the north which are modest sized bungalows. Both these and the appeal property are served by a small access road which runs parallel to the main road. Adjoining to the south and on a narrow plot is a further bungalow of modest scale which is aligned approximately with Sunflower Cottage. Elsewhere along either side of the main road are a mixture of different sized properties with a variety of architectural styles.
4. At the front of the property there is a shed and an existing steel fence and on the road side of this a tree/hedge screen. The latter is to remain and the proposed garage would be set in behind this but adjacent to it. It would be a substantial structure, providing parking for two vehicles, plus an adjoining store, and would have a large hipped and pitched roof.
5. A previous proposal for a similar structure and form was submitted in October 2019 and was also refused permission for the same reason as the current proposal. It was subject to an appeal which was also dealt with by myself and

dismissed in a recent decision dated 28 October 2020¹. Changes from the previous scheme include a slight reduction in overall height and width of the garage and store, a consequent slight siting further away from the boundary and the introduction of three trees to be planted along the southern boundary.

6. In dismissing the previous appeal, my primary concern was the impact of the proposed garage and store in the streetscene given its forward siting and significant size. In that respect it would have had a maximum width of approximately 11 metres (including the store) and a maximum depth of 7.5 metres, whilst the height of the pitched roof would be approximately 5.5 metres. In relation to the current proposal, the Council advises that the width of the garage would be reduced by 1 metre compared to the previous scheme and the height by 0.2 metres. The store would also be reduced in width and depth. The pitched roof form of the garage would be similar although the small ridge would have a different orientation. I note that the appellant has not questioned these calculations.
7. The appellant has advanced the same arguments as the previous appeal, namely that the proposed garage would be compliant with the Council's policies in that the local character and spatial pattern is diverse and it would be subservient to the host dwelling and surrounding built forms. It is also pointed out that the Council's Supplementary Planning Document on residential extensions 2009 (SPD) does not place a presumption against the appeal proposal.
8. In dismissing the previous appeal, I found that a combination of the siting of the garage and store together with its substantial height, would result in an over dominant and incongruous structure in such a forward setting where it would be prominent and out of character within the streetscene. Given the very minor reductions in size compared to the previous proposal, the building and particularly the garage element rather than the store, would still be of a substantial size and height and I remain of the same view in terms of its impact within the streetscene. Although I note that it is intended to retain the frontage trees, I share the concern of the Council that this might prove difficult given their proximity to the proposed structure. In any event, even if they were retained, the building would remain prominent. In that respect, the proposed planting along the southern boundary would also not provide any significant mitigating effect within the wider streetscene.
9. Although the Council does not now consider that there would be a loss of visual amenity to the occupiers of the adjoining properties in respect of the revised proposal, the proposed structure would still be very apparent and over dominating in their outlook because of its substantial size and forward location, albeit that there would be no direct impact. As such, it adds to my concerns.
10. Whilst I previously indicated that there might be scope for a more modest structure, given the size of the front garden area, the amendments to the current proposal in terms of the very minor reductions in size and siting compared to the previous scheme, do not address my fundamental concerns as indicated above. In any event, the acceptability or otherwise of any significantly revised design would need to be considered by the Council in the first instance.

¹ Appeal Reference U2235/D/20/3249719

11. As before, I acknowledge that the SPD is for guidance purposes and therefore not prescriptive as such. However, the principles within it in terms of discouraging garages or outbuildings in prominent locations, being located close to the original dwellings and not generally in front of the building line, are founded on sound design principles and designed to avoid the harm that I have found above.
12. For the above reasons, I remain of the view in the context of the current proposal that there would be harm caused to the character and appearance of the area and the visual amenities of the adjoining occupiers. The proposed development would therefore be contrary to Policies DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017 and the SPD, in that it would not respond positively to local character, it would not be sympathetically related to the existing dwelling and would be a visual intrusion in respect of amenity.
13. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR