
Appeal Decision

Site visit made on 26 April 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2021

Appeal Ref: APP/U2235/D/20/3262940

Barming Place Cottage, Abingdon Road, Maidstone ME16 9ED

- 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 D Elliott against the decision of Maidstone Borough Council.
 - The application Ref 20/503794/FULL, dated 18 August 2020, was refused by notice dated 14 October 2020.
 - The development proposed is removal of existing garage. Ground floor side and rear extensions. First floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing garage and erection of ground floor side and rear extensions and first floor side extension at Barming Place Cottage, Abingdon Road, Maidstone ME16 9ED in accordance with the application Ref 20/503794/FULL, dated 18 August 2020, subject to those conditions listed below: -
 - a. The development hereby permitted shall commence before the expiration of three years from the date of this permission.
 - b. The development hereby permitted shall be carried out in accordance with the approved plans listed 20033DE-PP-(03)01, 20033DE-PP-(04)01, 20033DE-PP-S-(13)01 and 20033DE-PP-S-(13)03.
 - c. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - d. Before the development hereby permitted is first used, the first floor window in the rear elevation of the extension shall be fitted with obscure glass to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above internal floor level. The window shall thereafter be retained as such for the lifetime of the development.

Preliminary Matter

2. The description of proposed development in the header above is taken from the planning application form albeit I have removed reference to the second planning application which is not an act of development.

Main Issues

3. The effects of the proposed development upon the character and appearance of the host dwelling and upon the living conditions of the neighbouring occupiers at 35A Beverley Road.

Reasons

Character and appearance

4. The Council's Supplementary Planning Document (SPD) Residential Extensions (2009) advocates side extensions to be subservient to the host dwelling. The first floor side extension would continue the existing dwelling's height and form above a garage, therefore, its design would not reflect the guidance. Notwithstanding this, the SPD explains that this requirement is to avoid creating a terraced appearance within a street scene and to assist development assimilate where the rhythm of buildings follows a regular form. However, the dwelling is positioned behind existing road frontage properties and, as such, does not form part of a street scene.
5. The SPD also advocates side extensions to be subordinate where there is a need to break down the mass of the resultant building. The proposed side extension would elongate the appearance of the dwelling, however the existing dwelling, being 'L-shaped' by design, has a wide appearance. Adding a relatively small addition to this dwelling would not appreciably alter the appearance of the dwelling.
6. Although the SPD seeks extensions to be subservient to the original house, it also requires the scale, proportions and height of an extension not to dominate the original building and to fit unobtrusively with the building and its setting. In this case the extension, being a continuation of the existing dwelling would respect the original design of the dwelling and would not be a visually dominant addition. It would fit unobtrusively with the proportions of the original building. Consequently, I find that the proposed side extension would have a satisfactory relationship with the existing dwelling and would visually assimilate successfully with it.
7. For these reasons, I conclude that the proposed development would not harm the character and appearance of the host dwelling. As such, the proposed development would not materially conflict with Policies DM1 and DM9 of the Maidstone Borough-Wide Local Plan 2020 (the Local Plan) and the SPD that seek, amongst other matters, development to achieve a high quality design and to be of a scale, height, form, appearance and siting to fit unobtrusively with the existing building and/or its context.

Living conditions

8. The first floor side extension would be visible in the outlook from 35A Beverley Road, both from the living environment within the dwelling and from the back garden. The development would be close to the rear boundary of No 35A but overall, the extension would be a relatively modest addition to the existing dwelling that is already visible in the outlook from No 35A. There would be sufficient separation between the extension and the boundary of No 35A to ensure that the development would not appear substantially dominant in outlook or create a sense of being enclosed by built development. Although some overshadowing of No 35A's garden could occur during the course of the

day, I consider the effect would be quite limited, given the pitched nature of the proposed roof and the development's distance from No 35A.

9. A first floor window is proposed in the rear elevation of the first floor extension. The plans that support the proposal indicate that this window would serve an en-suite bathroom. An appropriately worded planning condition could be imposed to require this to be fitted with obscure glass that would prevent harmful observation of adjoining neighbours from occurring.
10. Neighbour concern has been expressed to noise and privacy during construction works. However, any such disruption would be limited to the duration of the works taking place.
11. For these reasons, I conclude that the proposed development would not harm the living conditions of the neighbouring occupiers at 35A Beverley Road. As such, the proposed development would not materially conflict with Policies DM1 and DM9 of the Local Plan that seek, amongst other matters, development to respect the amenities of occupiers of neighbouring properties.

Conditions

12. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance.
13. I consider the standard time limit condition to be appropriate and in the interests of certainty, it is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans (conditions 1 and 2). Condition 3 relating to materials is necessary in the interests of the character and appearance of the area. Condition 4 is required to safeguard the privacy of existing neighbouring occupiers.

Conclusion

14. Having regard to the above findings, the appeal should be allowed.

Nicola Davies

INSPECTOR