

Appeal Decision

Site Visit made on 20 April 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2021

Appeal Ref: APP/U2235/W/20/3262474

Rear of Redic House, Warmlake Road, Sutton Valence, ME17 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Amanda Medlam against the decision of Maidstone Borough Council.
 - The application Ref 20/501800/OUT, dated 21 April 2020, was refused by notice dated 6 August 2020.
 - The development proposed is erection of three detached dwellings (scale, appearance and landscaping being reserved for future consideration).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was made in outline with means of access and layout to be considered and I have therefore had regard to drawings 01A, 02A and 03A. I have dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Redic House, with particular reference to noise and disturbance.

Reasons

4. The proposed development comprises three dwellings located to the rear of Redic House, with access for one of the dwellings from Warmlake Road between Redic House and Marwood House, and the other access from the recently constructed housing estate. The land has already been subdivided and is separated from the rear garden of Redic House with boundary fencing.
5. The access between Redic House and Marwood House is a relatively narrow track which also provides access to those properties. This access has previously been deemed acceptable for use by one additional dwelling¹ and the Inspector considered that the noise and disturbance generated by an additional household would not increase vehicle noise and activity to a level that would harm the living environment of adjoining occupiers of the recreational enjoyment of their gardens.

¹ APP/U2235/W/16/3153903

6. However, whilst the proposed development would only result in a similar level of use of the existing access, the proximity of the development to the boundary with Redic House and the positioning of the parking areas for both plot 1 and plot 3 adjacent to the rear boundary, would result in a more intensive use of the part of the site closest to the boundary.
7. Given the proximity of those areas to the garden of Redic House, this would result in a significant source of noise and disturbance and would represent an increase in the activity taking place on site than that envisaged by the previous Inspector. I note that this concern was also raised by the Inspector dealing with the more recent appeal for three dwellings² accessed off of the shared access.
8. Therefore, even with the reduction in the number of dwellings served off of the existing access, I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the proposed parking areas, whilst modest, given its proximity would be detrimental to living conditions of Redic House. Whilst planting and a fence could help to mitigate this effect, I do not have sufficient detail to determine the suitability of any such mitigation as landscaping is not a matter before me.
9. It has been put to me that the effect of the proposed development would be similar to that of the parking arrangements approved under 19/500724/REM for one dwelling, and that the scale of the approved dwelling would result in a similar level of traffic movements. However, there is likely to be an increase in the amount of movements associated with three dwellings as opposed to a single dwelling, with increased likelihood of delivery vehicles and visitors. The proposed development would add unacceptably to the noise and disturbance likely to be experienced by the occupants of Redic House.
10. I have had regard to the appeal³ cited by the appellant, however in that case noise and disturbance was not a main issue and therefore must not have formed part of the Council's reasons for refusal. In addition, the appeal was in outline, with only means of access to be considered and therefore the layout of the residential development was not before the Inspector. Therefore, it is not directly comparable to the appeal before me.
11. In conclusion, the proposed development would harm the living conditions of the occupiers of Redic House, through noise and disturbance in conflict with policy DM1 of the Maidstone Borough Council Local Plan which seeks to respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in adverse activity or vehicle movements.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

² APP/U2235/W/18/3196515

³ APP/N2739/W/17/3185834