



Appeal Decision

Site Visit made on 11 May 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/U2235/W/20/3261000

13 Manor Close, Bearsted, Maidstone, ME14 4BY

- 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 & Mrs P Ellis against the decision of Maidstone Borough Council.
 - The application Ref 20/501750/FULL, dated 18 April 2020, was refused by notice dated 31 July 2020.
 - The development proposed is the erection of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new dwelling at 13 Manor Close, Bearsted, Maidstone, ME14 4BY in accordance with the terms of the application, Ref 20/501750/FULL, dated 18 April 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the development on the living conditions of neighbours, with particular regard to noise, disturbance and privacy; pedestrian safety; and the character and appearance of the area.

Reasons

3. Manor Close is a residential cul-de-sac that serves a variety of mainly one and one and a half storey dwellings. Although houses are detached and set a reasonable distance from one another, the road itself is only wide enough for one car to pass when other cars are parked on the road. New dwellings have previously been erected in what were the rear gardens of existing properties in the vicinity of the site. Accordingly, the area has a residential character and suburban pattern and grain of development to it.

Living Conditions

4. The appeal site forms part of the rear garden to No.13 Manor Close. It is bound on three sides by existing residential properties. Access would be via the existing driveway which serves No.13 Manor Close. The access currently extends as far as the partially built garage to the side of the host property. This garage would be removed, and the access extended to pass alongside the boundary with No. 12 Manor Close. Arrangements for the removal of the garage have previously been dealt with by the Council under a separate permission.
5. I do not consider that the level of noise and associated disturbance these neighbouring occupants would experience, as a result of the access being

extended to serve the new dwelling, would be significant. No.12 Manor Close is set away from the boundary with No.13 Manor Close and the scale of the proposed development would not give rise to significant vehicle movement. Boundary treatments would supplement existing planting to protect the living conditions of these neighbours.

6. The proposed dwelling would be sited alongside No.18a Yeoman Lane with the parking area positioned centrally in front of the proposed dwelling. A new dwelling in this location would introduce new activity and a more intensive use when compared to the existing situation. However, given the relative positions and distances of the neighbouring dwellings and their gardens, I am satisfied that the overall effect on neighbours living conditions with regard to disturbance from noise and any associated effects of a dwelling in this position would not be harmful. Similarly, given the single storey nature of the dwelling, its proposed siting and fenestration details, the privacy of neighbours, including the occupants of No.13 Manor Close, would be protected.
7. Accordingly, I am satisfied that the proposed dwelling would not harm the living conditions of neighbours, with particular regard to noise, disturbance and privacy. The proposal would therefore be in accordance with Policies DM1, DM9 and DM11 of the Local Plan.¹ Amongst other things, these policies seek to ensure that new development respects the living conditions of occupiers of neighbouring properties and does not cause harm with respect to noise or disturbance or result in a loss of privacy.

Pedestrian Safety

8. Given the proposed access would serve a single dwelling and it is not an overly long access, the likelihood of a pedestrian using the access at the same time as a vehicle is low. However, if this were to occur, the proposed access would be of sufficient width to safely accommodate both a pedestrian and a vehicle at the same time. Its alignment, legibility and gradient would ensure good visibility and safety for pedestrians and drivers alike.
9. Accordingly, the proposed development would not be harmful to pedestrian safety and would not be contrary to Policies DM1 or DM11 of the Local Plan, which amongst other things, seek to ensure appropriate and safe forms of access for new development.

Character and Appearance

10. The existing dwelling is served by an access directly off Manor Close. This situation would not be altered. To help facilitate the current proposal, new layout and parking arrangements to the front garden of the existing property have recently been approved under a separate planning permission.
11. The extended access to the side of No.13 Manor Close would be visible from the street but would not in itself be overly prominent, given the gradient required to reach the slightly lower levels of the proposed dwelling. I note that similar access arrangements are in place on the opposite side of Manor Close to serve a similar form of development.
12. Glimpses of the proposed dwelling might be possible from Manor Close. However, the distances involved, the finished materials of render and concrete

¹ Maidstone Borough Local Plan (October 2017)

roof tiles and the single storey nature of the dwelling ensure that this would not harm the overall character and appearance of the area. Similarly, occupants of neighbouring properties would be able to see the dwelling, but it would not be overly prominent when viewed from these neighbouring properties given the prevailing positions of, and distances between, buildings.

13. The resulting plot sizes for the existing and proposed dwellings are comparable with those around them and thus the plot to building ratio will fit with the existing pattern and grain of development.
14. I am therefore satisfied that in this instance the proposal can be successfully accommodated on this site and would not cause harm to the character and appearance of the area. Accordingly, the proposal accords with Policies DM1 and DM11 of the Local Plan, which amongst other things, seek to ensure development is of appropriate design quality and responds positively to the local character.

Other Matters

15. Concerns have been raised regarding flooding and the local sewer. However, I have no evidence before me to indicate that there are likely to be problems with regard to these matters or that any necessary consents would not be obtained.
16. The Council can demonstrate a 5-year housing supply. However, this does not mean that windfall sites should not be allowed in situation such as this, where there are no development plan policies or other material considerations indicating the scheme is unacceptable.

Conditions

17. I have had regard to the Council's list of suggested conditions. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. I consider it is necessary to secure details of means of enclosure, tree protection and refuse collection in order to ensure an appropriate development that respects the character and appearance of the area and living conditions of neighbouring occupiers. I agree with the Council that in this instance, given the positions of neighbouring properties and the need to protect their privacy, it would be reasonable and necessary for any future roof extension or window insertions in any of the elevations to first be considered by the Council. Accordingly, permitted development rights for such have been removed.
18. I also agree with the Council that biodiversity gains, which would accord with the Framework², can reasonably be integrated into the construction of the building and conditioned appropriately. However, I have not been provided with any Local Plan or parking standards so am unable to conclude that requiring the installation of an electric car charging point for a single dwelling would be reasonable. The application form and drawings provide sufficient information of the external appearance and materials to be used in the construction of the proposed dwelling and need not be the subject of their own condition.
19. Although Manor Close is a narrow residential cul-de-sac, a construction management plan for deliveries is unnecessary given the availability of on-site

² National Planning Policy Framework (2019)

parking and storage in the context of the scale of the proposed development. I note the council has suggested a condition restricting the installation of access gates on the access road, but this is unnecessary as they could be considered as part of the site's wider means of enclosure.

Conclusion

20. For the reasons given, and subject to the attached conditions, I conclude that the appeal should succeed.

Stewart Glassar

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i) BDS-1546-P100 Rev A- Existing / Proposed Block Plan
 - ii) BDS-1546-P101 – Coloured Proposed Block Plan
 - iii) BDS-1546-P102 – Proposed Plans and Elevations
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the elevations.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 , Class B (roof alteration or enlargement) to that Order shall be constructed on the roof.
- 5) No development hereby permitted shall take place above slab level until, details of all fencing, walling, other boundary treatments and means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.
- 6) No development hereby permitted shall take place above slab level until, details for the storage and collection of refuse on the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.
- 7) All existing trees and hedges that are shown to be retained on approved Block Plan BDS-1546-P100 Revision A shall be protected from damage in accordance with BS5837. Any trees or hedges removed or damaged shall be replaced as soon as is reasonably practicable, by not later than the end of the first available planting season following first occupation of the dwelling hereby permitted, with plants of such size and species and in such positions to mitigate the loss as agreed in writing by the local planning authority.
- 8) No development hereby permitted shall take place above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the local planning authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building by means such as swift bricks, bat tube or bricks and measures to accommodate solitary bees. Development shall be carried out in accordance with the approved details.