

Appeal Decision

Site Visit made on 18 May 2021 by Emma Worby BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/U2235/D/21/3268748

Thornhills, Northdown Close, Maidstone, ME14 2ER

- 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 Ms Liberty Smith and Mr Adam Prebble against the decision of Maidstone Borough Council.
 - The application Ref 20/505107/FULL, dated 29 October 2020, was refused by notice dated 31 December 2020.
 - The development is the proposed conversion and extension of roof space, removal of conservatory, addition of 4 no. rooflights, amendments to 2 no. existing window bays and associated internal alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the host property and appeal site, and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties in relation to privacy and outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a single storey detached dwelling with some additional accommodation within the roof space. It is a backland dwelling surrounded by residential properties on Northdown Close, Boxley Road and Redcliffe Lane. Due to its location the property has limited visibility from the public realm. However, it is partially visible down the access road on Northdown Close and from the properties which surround it.
5. The proposal, whilst reducing the footprint of the existing dwelling would significantly increase the property's size and bulk and would result in dominant additions which would not respect its character and appearance. The dwelling

- would be overwhelmed by the new additions which would be obtrusive and which could not be considered a subservient addition.
6. Moreover, a dwelling of the size proposed would appear cramped within its plot, given its proximity to the boundaries of the site and the limited area of space around it. The resultant size of the dwelling would be an overly dominant addition to this small backland site and would be at odds with the character and appearance of the existing property. Although the surrounding dwellings do not have a cohesive design, the proposal would be much larger than the neighbouring properties, appearing incongruous and cramped within its surroundings.
 7. In conclusion, for the reasons above, as the proposed development would harm the character and appearance of the host property and appeal site, it would be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017). The relevant parts of these policies require high quality design with the scale, height, form, appearance and siting of the proposal fitting unobtrusively within the existing building. The proposal would also be contrary to the general design objectives of the National Planning Policy Framework and the Residential Extensions Supplementary Planning Document (SPD) 2009 which states that extensions should not dominate the original building.

Living Conditions

8. The Council's concerns relate to the impact from the proposed development on Nos 267a, 267b and 267c Boxley Road. No concerns are raised in relation to any other neighbouring property and I find no reason to disagree with this.
9. The existing dwelling already has one first floor window facing these dwellings. The four additional first floor windows proposed to the rear of the dwelling would also provide views towards these dwellings. However, the appellant has indicated on the submitted drawings that these new windows would be obscure glazed. As these windows serve the landing and a bedroom with other windows to the front, obscure glazing would be suitable and would prevent any significant overlooking into the gardens of neighbouring properties or perceived loss of privacy.
10. Furthermore, although the dwelling is in close proximity to the rear boundary and would be significantly increased in size and bulk, as the neighbouring dwellings at No.267a and 267b are a sufficient distance from this shared boundary, the impact upon the occupiers' outlook would be limited. No.267c is closer to this boundary, however it is not directly adjacent the appeal dwelling and is set slightly to the east. Therefore, the proposal would also have a minimal impact on the outlook of these neighbouring occupiers.
11. Consequently, the proposal would not harm the living conditions of the neighbouring occupiers and would therefore comply with the relevant parts of Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017). These policies require proposals to respect the amenities of occupiers of neighbouring properties, safeguarding the privacy and maintenance of a pleasant outlook of adjoining residents. It would also comply with the section of the SPD which states that extensions should not cause significant harm to the amenity of adjoining occupiers, along with the amenity requirements of the National Planning Policy Framework.

Other Matters

12. It is noted that the proposed development would improve the living conditions for the occupiers of the appeal dwelling. However, it is likely that this could be achieved without causing harm as identified. Accordingly limited weight is given to this matter.

Conclusion and Recommendation

13. Although the proposed development would not harm the living conditions of the neighbouring occupiers, it has been found that the proposal would harm the character and appearance of the host property and appeal site. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR