



Appeal Decision

Site Visit made on 23 June 2021

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/U2235/W/20/3265707

Land south of South Cottage, High Street, Staplehurst TN12 0BH

- 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 Nigel Sennington against the decision of Maidstone Borough Council.
 - The application Ref 20/500269/FULL, dated 21 January 2020, was refused by notice dated 28 August 2020.
 - The development proposed is a residential development with associated amenity.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9th July 2021.

Decision

1. The appeal is allowed and planning permission is granted for erection of 1No. 4 bedroom detached dwelling with associated amenity on land south of South Cottage, High Street, Staplehurst TN12 0BH, in accordance with the application Ref: 20/500269/FULL, dated 21 January 2020, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of the development on the Council's decision notice and the appeal form differs from that on the application form and within the above banner heading. As it is more precise, I have used this alternative description within the formal decision, omitting reference to the resubmission of 19/503872/FULL.

Main Issues

3. The main issues are:
 - a) the effects of the proposal on the setting of the adjacent listed buildings;
 - b) whether the proposal would preserve or enhance the character or appearance of the Staplehurst Conservation Area.

Reasons

Effects on the setting of listed buildings

4. The appeal site is a vacant parcel of land between two Grade II listed buildings, North and South Cottage and Nos 1&2 Little Loddenden. Their significance derives from their historic and architectural interest. Both are timber framed properties dating from the 17th century. Features include tile hanging, hipped

- and catslide roofs, and original casement and sash windows. This gives them a vernacular appearance.
5. The proximity of North and South Cottages to the back of the footway gives it a strong visual prominence in the street scene. Nos 1&2 Little Loddenden are less visible, being set further back from the footway, on slightly lower ground with some frontage vegetation. They are also separated from the road by a steeply sloping verge. The appeal site forms a gap between these buildings so that the flank elevations of both properties are visible from the road and the footways. However, in other respects the gap is an anomaly in an otherwise almost continuously built up frontage on this side of the High Street.
 6. The proposal is for a single dwelling of traditional design, set back further onto the plot than either of the adjacent buildings. Its width would be sufficiently limited to enable gaps of about 9m to be retained between its flank walls and those of the listed buildings. This would enable their flank walls to be viewed from the road and footway, ensuring that no public appreciation of their significant features would be lost. It would also ensure that views towards the mature trees which enclose the rear of the site would also still be seen from the street. In addition, the dwelling would incorporate tile hanging at first floor level and a catslide roof to the southern side. It would therefore be acceptable in design terms and would respect the roof lines, scale, form and bulk of the listed buildings.
 7. Although the listed buildings originally date from a similar period, they do not comprise a cluster of properties with a common focal point. The visual link between them appears to me to arise from their position within the linear development along this part of the High Street. Therefore, although the gap between them would be reduced, I am not persuaded that this would result in any significant harm to the setting of either of them. Furthermore, the siting of the dwelling, slightly to the rear of the existing building line, would ensure that it would not appear overly prominent in the street scene.
 8. Taking all these factors into consideration, I conclude that the proposal would not give rise to harm to the significance of the adjacent listed buildings, the settings of which would be preserved. The scheme would therefore comply with Policies SP18, DM1 and DM4 of the Maidstone Borough Local Plan 2017, (Local Plan). These policies require development to respond positively to the historic character and area, ensuring design of development which impacts on heritage assets and their settings is sensitive, thereby conserving the significance of those assets.

Effects on the conservation area

9. The historic heart of the Staplehurst Conservation Area derives its significance from the tightly knit collection of buildings that line the High Street. In the centre of the village these are close to each other and the footway, giving a strongly built-up character with limited gaps. Towards the northern end of the village there is a change with fewer buildings in larger plots and more vegetation.
10. The appeal site is therefore in an area of transition between the continuous frontage development along the High Street and the more dispersed development further from the centre of the village. To the north of North Cottage the area has a semi-rural appearance. By contrast opposite the site,

and just outside the conservation area, is a mid 20th century commercial development of shops with flats above, set behind a small car park and an area of landscaping. In this context the vacant appeal site, which lacks planting, has a somewhat anomalous and stark appearance and makes little in the way of positive contribution to the character and appearance of the conservation area.

11. I have not seen details of the scheme for a pair of semi-detached houses that was previously dismissed on appeal in 2016¹. However, from my reading of that decision it would appear the building in that scheme was significantly larger than the proposal before me. By contrast the scale and design details of the current scheme would not look out of place in this part of the conservation area and would respect the listed buildings on either side. Although the gap between the existing buildings would be reduced, sufficient gaps would be retained to ensure that the character and appearance of the conservation area would not be harmed.
12. I therefore conclude that the proposal would preserve the character and appearance of the Staplehurst Conservation Area. It would comply with Policies SP18, DM1 and DM4 of the Local Plan which seek to conserve and, where possible, enhance the significance of designated heritage assets.

Other Matters

13. The proposal would not provide any vehicular access or car parking. This would be contrary to the development plan's requirements and is a matter of concern to local people. However, due to the parking restrictions, in the form of double yellow lines on the A229, the highway authority is satisfied that this would not result in highway safety issues. As the site is in an area where there is good access to local facilities and public transport, neither has the highway authority raised any objection to the lack of on-site parking. Any future occupants would be aware of the absence of a vehicular access and would have to find some alternative parking arrangements if they decide to own a car. These are therefore not reasons for the scheme to fail.
14. Access to the site for the purposes of construction is likely to pose significant challenges. The highway verge and its associated vegetation makes a positive contribution to the character and appearance of the conservation area and therefore should not be disturbed during the construction phase. The footway is well-used by local people, including residents of the Leonard Cheshire Home who rely on it for using their wheelchairs and mobility devices. Disruption during construction, whilst regrettable, is not a justification for rejecting a scheme that is otherwise acceptable. However, it is necessary that disruption to users of the footpath is minimised. I have therefore consulted the parties on the need for a pre-commencement condition to secure appropriate arrangements to manage the construction phase. The appellant has confirmed that this is acceptable to him and I have imposed it accordingly.

Conditions

15. The Council has provided a list of suggested conditions in the event that the appeal was allowed. I have considered these in the light of the tests set out in paragraph 55 of the Framework and amended them where necessary for the sake of clarity and precision.

¹ APP/U2235/W/16/3144947

16. In addition to the standard time limit, a condition specifying the plans is required in the interests of certainty. Conditions requiring agreement to the materials and secure appropriate landscaping, together with details of facilities to store bikes securely and provide for the storage of refuse and recycling are necessary to preserve the character and appearance of the conservation area. A condition to deliver a scheme to provide and implement enhancements to biodiversity is justified in the interests of the environment.
17. The site is a sensitive one between two Grade II listed buildings and within a conservation area. There is therefore a clear justification for the removal of permitted development rights to protect the settings of the adjacent buildings and the character and appearance of the conservation area. I have imposed a condition accordingly.

Planning Balance and Conclusion

18. I have concluded that the proposal will ensure that heritage assets are preserved. The proposal therefore accords with the development plan and should be approved without further delay.
19. For this reason, the appeal should be allowed, subject to conditions.

Sheila Holden

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:
2462-01, 2462-02A and 2462-03A, dated January 2020 and
2462-04A and 2462-05B dated March 2020.
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. Means of access to the site;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in constructing the development;
 - d. Delivery and construction working hours;
4. The development hereby permitted shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. The development hereby permitted shall not commence above slab level until details for a scheme for the enhancement of biodiversity both on the site and incorporated into the detailed design of the building have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
6. The development hereby permitted shall not be occupied until storage facilities for refuse, recycling and bicycles have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. These facilities shall be retained for the lifetime of the development.
7. Upon completion, no further development, whether or not permitted by Classes A, B, C, E or F of Part 1 and/or Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification), shall be carried out to or within the curtilage of the new dwelling hereby permitted without the prior written consent of the local planning authority.

End of Schedule of Conditions