



Appeal Decision

Site visit made on 24 August 2021

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021.

Appeal Ref: APP/U2235/D/21/3274927

Playdells Bungalow, Sutton Road, Langley, Maidstone, Kent, ME17 3ND

- 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 S Busher against the decision of Maidstone Borough Council.
 - The application Ref 20/505099/FULL, dated 27 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is new double garage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. There appear to be two spellings of the name Pl[a/e]ydells Bungalow in the documents before me, but as both the application form and appeal form refer to Playdells Bungalow as the applicants address, that is the spelling I have adopted in this case.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the street scene and the countryside and (b) the living conditions of the occupiers of the adjacent dwelling to the east.

Reasons

Character and appearance

4. Substantial new development is taking place some distance to the west of the appeal site as part of the continuing expansion of the built-up area of Maidstone. There is a large nursery site with a range of structures to the north, however, the overall character and appearance of the area surrounding the group of buildings mainly comprising Playdells Bungalow/ Pleydells Farm is predominantly open countryside and the appeal site is defined as within an area of countryside in the Maidstone Borough Local Plan 2017 (local plan).
5. Although located between the main bungalow building and a free-standing annex building, the proposed development would be both prominent and dominant in relation to both those buildings and the street scene, because of its overall volume and height, and its location on a site higher than the access road. Thus, it would not appear subservient in scale or ancillary to the host

property. No substantive landscaping exists or is proposed which might materially mitigate the adverse visual impact of the development on the wider area. Given its bulk and height and its location in a gap between the existing buildings it would also materially add to the cumulative adverse impact this group of buildings has on the open character and appearance of the countryside.

6. I note that the Council granted planning permission for a chalet bungalow to the east of the appeal site a few years ago. However, this building appears to be far less prominently located than the current proposal and is screened to some extent by mature landscaping. Given this and the limited information before me about this other property and its planning history, I attach only limited weight to this consideration in relation to this appeal.
7. In short, I conclude that the proposed development would harm the character and appearance of the street scene and the countryside. The proposal would therefore be contrary to policies SP17, DM1, DM30 and DM32 of the Local Plan and the Council's Residential Extensions Supplementary Planning Document. These policies and guidance seek, amongst other things, to ensure that development does not harm the character and appearance of the countryside.

Living conditions

8. The provision of an external staircase on the side elevation of the proposed development would allow intrusive and direct overlooking into the garden of the next door property and may also allow views into some habitable rooms at the western end of that property.
9. This consideration is not rendered immaterial because the adjacent bungalow is currently owned by a member of the appellant's family, as the ownership of the adjacent property is not controlled through the planning system.
10. In short, I conclude that the proposed development would harm the living conditions of the occupiers of the adjacent dwelling to the east. It would therefore be contrary to Policy DM1 of the Local Plan, which amongst other things seeks to ensure new development respects the amenities of occupiers of neighbouring properties.
11. In reaching this conclusion, I have taken into account the appellant's offer to modify the scheme to remove the external staircase and replace it with an internal staircase. However, in the absence of any details, I am not clear what revised layout and fenestration pattern would result. For the avoidance of doubt, even if a suitable planning condition could have been agreed and imposed in relation to this matter, satisfactory resolution of the issue would not have overcome or outweighed my concerns in relation to the first main issue and thus would not have affected the overall outcome of the appeal.

Conclusion

12. For the reasons I have set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Anthony Thompson

INSPECTOR