



Appeal Decision

Site visit made on 23rd November 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/U2235/W/21/3271795

Former Dog and Gun PH, 213 Boxley Road, Maidstone, Kent ME14 2TL

- 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 James Mills against the decision of Maidstone Borough Council.
 - The application Ref 20/504988/FULL, dated 20 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is the
 - Change of use of former public house garden, music and smoking area to residential. Erection of a building comprising 6unit HMO with associated new wall, cycle hoops and creation of new pedestrian access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: -
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 211 Boxley Road (No.211), with regards to overbearing impact.

Reasons

Character and Appearance

3. The appeal site located along John Street is currently an empty rectangular parcel of land enclosed by fencing. The appellant explains it was part of the beer garden to the former Dog and Gun Public House (213 Boxley Road) which has recently been extended and converted into flats.
4. The surrounding area primarily comprises streets of traditional Victorian terraced properties with the appeal site positioned between the terraces in Boxley Road and Hardy Street. Directly opposite the site is a more modern development of two pairs of semi-detached properties which are set back from the road with off street parking. However, generally properties are close to the street, forming long continuous rows of development with the roads and rear gardens to end of terrace properties, where the orientation of the terrace changes, creating the visual breaks. Further along John Street and in the wider area where this occurs there are often garages and outbuildings in the gaps.

5. The proposed two storey building would fill the majority of the site with only a small buffer to the rear and sides, with the eastern side also accommodating cycle and refuse storage.
6. The design of the building incorporates a range of materials and features found in the locality. Nevertheless, in my view the height and form of the building with a hipped roof, blank facades and ragstone detailing panel is somewhat contrived. Fenestration is primarily restricted to the front elevation, to maintain privacy for occupiers of the neighbouring properties. However, this results in large and unarticulated facades to the other elevations. Centrally located within the established gap, the building would have a notable presence and the flank elevations would be prominent in views along the street.
7. I acknowledge that there are a range of building forms in the area, but the proposal would introduce development into a gap which is an integral part of the character of the area -providing a physical and visual break in the street scene. That is not to say some form of development would not be acceptable, and I am aware that planning permission has been granted for a detached bungalow on the appeal site – Council reference 20/505011. This extant scheme has a smaller footprint and a parking space to the side and moreover, the single storey height would retain a sense of openness. In contrast, the scale of the proposed building and resultant design, emanating from the site's constraints, in my opinion, would be out of keeping with the prevailing pattern of development and fail to successfully integrate into the street scene.
8. Thus, whilst I acknowledge that the general principle of development on the site is acceptable, I agree with the Council that the proposed scheme would be of a poor design which would be visually harmful to the character of the area. I therefore find that the development would be contrary to Maidstone Local Plan (Local Plan) policies SP1 and DM1 and the National Planning Policy Framework (Framework) which promotes high quality design and for developments to positively respond to the character of the area.

Living Conditions

9. No.211 Boxley Road is a mid-terrace property adjacent to the former public house and shares a side boundary with the appeal site. The property has a relatively long rear garden, nevertheless the proposed dwelling would extend along a significant length and would be only marginally off set from the boundary. Also, No.211 is on lower ground, which together with the height and proximity of the proposed building, in my view, would result in an imposing structure which would have an overbearing effect on the garden.
10. The appellant suggests that the increase in ridge height compared to the extant consent is not excessive. I cannot agree with this with regards to the relationship with the neighbouring property. Whilst the extant development is a similar distance from the boundary the design and massing are significantly different to the proposed substantial solid wall which would face towards No.211 and would have a dominating and oppressive appearance.
11. In my opinion, the development would have an unacceptable overbearing relationship with No.211 which would be harmful to the occupiers' living conditions. Thereby the proposal would be contrary to Local Plan policy DM1 (iv) which requires development to respect the amenities of occupiers of neighbouring properties. This echoes the requirements of the Framework

(paragraph 130) which promotes a high standard of amenity for existing users and future users.

Other Matters

12. The appellant indicates that there is a shortage of HMOs in Maidstone. Whilst I note that the appellant sought to obtain details in relation to HMO provisions, no specific evidence of need has been provided. The Council currently has a 5-year housing land supply, and in any event the need would not outweigh the harm I have found. Reference is also made to affordable housing but there is no suggestion that the proposal would be formally secured as affordable housing, and therefore, I have given no weight to this matter.
13. The occupants of No.211 have not objected to the proposal on the grounds of overbearing impact, however, the absence of objection does not in itself render the scheme acceptable. Similarly, conditions restricting window openings and occupancy would not address the harm.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I dismiss the appeal.

G Ellis

INSPECTOR