



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/21/3268868

Land rear of 7 The Street, Detling, Maidstone ME14 3JU

- 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 F Ford against the decision of Maidstone Borough Council.
 - The application Ref 20/504673/FUL, dated 29 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is the erection of a detached 3 bedroom dwelling with ancillary parking facilities, cycle storage and bin storage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. Paragraph 127 of the previous Framework is referenced in the decision notice and the Council has confirmed that the relevant paragraph of the latest Framework is paragraph 130.
3. Since this appeal was submitted planning permission has been granted for a 2 bedroom dwelling on the site, Council Reference 21/501295/FUL. I have therefore had regard to this extant consent as a fallback.

Main Issues

4. The main issues are the effect of the development on the living conditions of the occupiers of neighbouring properties, 7 The Street (No.7) and The Granary, and future occupiers of the development.

Reasons

5. The appeal site is located off a private access drive from The Street and positioned between No.7 and The Granary. It was formally part of the garden to No.7 but is now separated by fencing and is undeveloped apart from a dilapidated shed.
6. In contrast to No.7 and The Granary which are orientated towards The Street, the proposed dwelling would be perpendicular to these fronting the private drive. Thereby the neighbouring dwellings have elevations facing towards the site. Neither proposed flank elevations would contain windows, and the eastern elevation towards No.7 would have a more limited depth and a hipped roof. As

such and having regard to the relationship and depth of the plot, I do not find the proposal would be overbearing or unduly effect the outlook from No.7.

7. However, the western flank would introduce a solid wall which would extend in front of a large proportion of the Granary's front elevation. The Granary has several first-floor windows to the front, and there would be less space around the property at this side of the plot. In my opinion the proposal would significantly reduce the open aspect currently enjoyed by the occupiers of The Granary and due to the scale and depth of the development, would be visually intrusive and have an overbearing impact.
8. Both The Granary and No.7 have windows directed over the garden of the proposed dwelling. However, this site would be part of an established area which has an irregular layout with a level of intervisibility between properties. Furthermore, I have not been directed to any policy or guidance which sets out any specific requirements in relation to amenity space. The proposed garden would be similar in size to those in the vicinity and, in my view, would provide adequate residential amenities for the future occupiers.
9. Overall, whilst I find the development would not unduly impact upon the living conditions of No.7 or the future occupiers, it would have an unneighbourly relationship with The Granary in conflict with policy DM1 of the Maidstone Borough Local Plan and the Framework which require quality design and a high standard of amenity for existing and future users.

Other Matters

10. Third parties have raised a number of other issues; however, the extant consent establishes the suitability of the site for development. It permits a dwelling of a similar footprint and overall height to the appeal proposal, but the design is different. Specifically, the flank elevation towards The Granary is reduced in scale and would be less harmful. As such, the fallback does not alter my findings on the main issues.
11. The village of Detling including the appeal site, lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Framework places great weight on protecting and enhancing landscape beauty in AONB's which have the highest status of protection in relation to these issues. Given the site's location surrounded by existing dwellings I find that there would be no significant change in landscape terms and agree with the main parties that there would be no adverse impact on the AONB.
12. The site is also located within the Detling Conservation Area (CA) and there are a number of listed buildings in the vicinity. The Council found no conflict with Local Plan policy DM4 which protects heritage assets and I have no reason to disagree with this assessment.

Conclusion

13. For the reasons given, I conclude that the appeal should be dismissed.

Gill Ellis

INSPECTOR