



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: 30TH December 2021

Appeal Ref: APP/U2235/W/21/3269607

Hall at Former Detling Church of England Primary School, The Street, Detling, Maidstone ME14 3JT

- 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 Sandra Kempson against the decision of Maidstone Borough Council.
 - The application Ref 20/502723/FULL, dated 19 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the change of use of the former primary school to one dwelling, including erection of a single storey rear extension, demolition of existing timber building, and erection of two detached dwellings and three associated garages, including creation of a new access road.
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Decision

1. The appeal is dismissed.

Procedural Matter

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. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues are whether the proposed development would: -
 - provide a suitable location for housing, having regard to the accessibility of services and facilities;
 - effect the character and appearance of the area including heritage assets – the school house and Detling Conservation Area; and
 - impact on the living conditions of the occupiers of the neighbouring property (Vine House) and future occupiers of plot 2.

Reasons

Location

4. The Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality

of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

5. The site is located within the heart of Detling village and there are several local facilities within a very short walk (including a public house, shop with post office, play area, a church and village hall), and it is also served by buses to Grove Green and Maidstone. The future occupiers would contribute towards supporting these facilities and thereby, whilst Detling does not have a formal settlement boundary, I find the site to be relatively sustainable having regard to its rural location and access to basic facilities.
6. Appeal decisions referred to by the Council¹ relate to a different village and as noted by the appellant other developments have been permitted in Detling, including a very recent permission for a new dwelling to the rear of 7 The Street.
7. I acknowledge that Maidstone Local Plan (Local Plan) policy SS1 directs new housing development towards the urban area and larger villages, however, it does not preclude development elsewhere, subject to the protection of the character of the area, which is considered below, and the avoidance of coalescence. As development of previously developed land surrounded by existing properties there would be no physical expansion of the village or development into the open countryside.
8. As such, I do not find direct conflict with Local Plan policies SS1, SP17 and DM1 and the Framework with regards to promoting sustainable locations for development and supporting development with linkages to the surrounding area and local services.

Character and Appearance

9. The former school house is set back from The Street, the main street which runs through the village. This central area is designated as Detling Conservation Area and contains a number of historic buildings. Generally, buildings on the eastern side of The Street are positioned close to the road, whereas to the west properties are more mixed and interspersed with trees and front gardens.
10. The appellant indicates that the school closed in 2007. Whilst it is still a notable building having been vacant for some time it is in need of repair, and the derelict site including the large temporary classroom currently detracts from the Conservation Area. In the intervening period the area around the site has also changed. A recent development of a small cul de sac of houses has been introduced immediately to the south of the site (Chiltern Place) and now forms part of the character of the village which includes a number of enclaves of houses in a backland position, and properties of a variety of ages, designs and materials.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a Conservation Area. I have been referred to the Detling Conservation Area Management Plan (DCAMP) adopted 2010 which identifies the Victorian school house as being 'essential' to the character of the area. The document also indicated that a high priority was to

¹ APP/U2235/W/19/3231774 and APP/U2235/W/17/3191553

seek a new use for the closed school which does not result in harmful alterations to its exterior or to its setting, and the removal of the temporary classroom.

12. As a non-designated heritage asset, the Framework (paragraph 203) indicates a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst of functional and historic interest, due to the setback, the boundary wall and existing vegetation, the school house is not visually prominent in the street scene.
13. The Council has raised no objection to the extension and conversion of the school house, and notable features such as the bell cupola and date stones would be retained. The proposed access drive would be positioned centrally with the proposed new dwellings to either side. This would restrict views of the whole frontage but open up the site to The Street. The proposed layout effectively aligns the buildings with those in Chiltern Place, and the setting back of plot 2 would reflect the pattern of development on the western side of The Street.
14. The Council in their Appeal Statement has introduced concerns relating to the design and architectural detailing of the development. Whilst I agree that non-replication of the same dwelling design would be preferable, they frame the school house. The materials, roof profile and detailing draw reference from the surrounding buildings and guidance in the DCAMP. Therefore, on balance, I do not find the design would be out of keeping with the general character of the area.
15. While the Council argue that the proposal is a missed opportunity to enhance the site, the requirement within the Framework and Local Plan policies is to at least conserve. The development would bring the site back into active use and would also remove the temporary classroom and overhead power lines. There would be a loss of openness to the front of the site but the forecourt itself is not a key feature of the Conservation Area and the proposed form of development responds to the prevailing character. Therefore, in accordance with the expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990 I consider that the proposal would preserve the character and appearance of the Conservation Area, and would not have a significant adverse impact on the school house.
16. The village of Detling also 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. The Council in their decision notice also indicate that the proposal fails to conserve and enhance the intrinsic character of the Kent Downs AONB, but other than not supporting the design, they have not identified any specific harm in their evidence. Having regard to the location of the site surrounded by built form there would be no significant change in landscape terms from the proposed development in longer views, and having regard to my findings on the character of the area, I do not find the proposal would adversely impact on the AONB.
17. Consequently, I find the proposal would comply with the Framework and Local Plan policies DM4 and SP18 and the general guidance of the DCAMP which seeks to protect the historic environment and, Local Plan policies SP17, DM1 and DM30 which require developments to meet the principles of good design

and respect the character of the area. It would also accord with the general provisions of policy DM5 and the Framework which supports the development of previously developed land.

Living Conditions

18. Vine House, neighbouring the site to the north, has windows in its side elevation facing towards the site. With dwelling 2 setback effectively aligning with the rear of Vine House the two elevations would be at a right angle and have different floor levels. As such, any potential for overlooking between bedroom windows would be at an oblique angle and, therefore, in my view, would not result in a harmful loss of privacy.
19. However, the proposed dwelling would only be set approximately 4m from the shared boundary and would extend along a significant depth of the rear garden to Vine House. The temporary classroom building is currently sited closer to the boundary but is set further away from Vine House and has a lower profile. Due to the topography the relative height of the proposed dwelling would be lower than the 9m height, however, the difference in levels is such that the ground floor side window to Vine House is also above the boundary wall. At two storeys high, with an imposing gable end, and a lengthy side elevation dwelling 2 would, in my opinion, create a dominant and oppressive feature which would have an overbearing effect upon the outlook from both the rear garden and side windows of Vine House. The sense of enclosure would be exacerbated as the development would be sited directly to the south and dwelling 1 is also orientated towards the side elevation of Vine House.
20. Notwithstanding this, the setting back of dwelling 2 would maintain an outlook from Vine House over the front of the site towards The Street. This in turn, would result in overlooking from Vine House over the proposed front garden. However, Plot 2 has further garden space wrapping around the dwelling, and I agree with the appellant that privacy could be enhanced with landscaping. Additionally, I have not been directed to any specific guidance relating to amenity space requirements and the proposal is comparable to other properties in the centre of the village where a level of mutual overlooking occurs between properties.
21. Thus, whilst I have not found harm to the amenities of the future occupiers, the proposal would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential property, Vine House, with regards to outlook. The proposal is therefore contrary to the amenity protection aims of Local Plan policy DM1 and the Framework in terms of respecting the amenities of occupiers of neighbouring properties.

Other Matters

22. To address the Council's sixth reason for refusal a preliminary bat roost assessment was submitted by the appellant as part of the appeal process, and I am satisfied any further provisions in relation to the protection of bats could be addressed by conditions.
23. The Street contains several listed buildings close to the site including Vine House, and 36 & 38 The Homestead. These individually contribute to the Conservation Area, nevertheless their setting is as part of a collection of historic buildings along The Street. Whilst the proposal would introduce further

development within the vicinity of listed buildings the protection of setting does not prevent change. The proposed dwellings would be set back from the street in line with other properties, or further back, and, as such, I agree with the main parties that the setting of the nearby listed buildings would not be adversely affected.

24. Other concerns have been raised by interested parties including the potential impact of the access and parking. However, no such concerns have been raised by the council following consultation with the highway authority and there is no evidence before me which would support taking a different view. I acknowledge that the Council can currently demonstrate a 5 year supply of housing, however that does not preclude further development in appropriate locations and compliance with other policies.
25. The Council have not identified any harm in relation to the conversion of the existing building but have cited conflict with Local Plan policy DM31. Having regard to the Local Plan as a whole and other material considerations in relation to the benefits of bring the building back into use, these would have, in my view, outweighed any inconsistency with a specific criterion of policy DM31, if I had been minded to allow the appeal.

Conclusion

26. In conclusion, I find the site suitably located for residential development and the design of the scheme would have regard to the character of the area, the setting of the school house and conserve the Conservation Area. Nonetheless, the siting and scale of dwelling 2 would have a harmful impact on the living conditions of the occupiers of Vine House.
27. Therefore, for the reasons given, and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR