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# Appeal Decision

Site visit made on 14 December 2021

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 January 2022**

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**Appeal Ref: APP/U2235/D/21/3277910**

**Faith Cottage, Clapper Lane, Staplehurst TN12 0JT**

- 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 Barrie Alder against the decision of Maidstone Borough Council.
  - The application Ref 21/500679/FULL, dated 8 February 2021, was refused by notice dated 16 April 2021.
  - The development proposed is to remove existing garage roof and replace with a new pitched roof with front-facing dormers and fit new first floor window in west-facing gable. The new first floor to be used as an office.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised Framework<sup>1</sup> was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site is located in the open countryside. There is sporadic development along Clapper Lane although generally, buildings in the vicinity of the appeal site are set back from their site frontages and where they are closer to the road, they are single storey in height. Consequently, the area retains a rural and spacious character.
5. The appeal site comprises an existing two storey dwelling together with a number of curtilage buildings, including an existing 3-bay garage building, which is the subject of this appeal. The garage building sits towards the northern end of the site and forward of the main dwelling, close to the site's boundary with Clapper Lane. The garage building is single storey but, notwithstanding the boundary planting, its existing height and size give it some visibility from the public realm. I note that the Council questions whether the garage building as constructed is larger than the approved scheme. However, that is not a matter which is before me.

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<sup>1</sup> National Planning Policy Framework (2021)

6. The proposal would not increase the footprint of the garage building. I note that matching materials would be used, and the design would complement that of the existing dwelling. Nevertheless, the proposed works would increase the building's height to over 7 metres. The additional windows would add further prominence to what would be a large structure. Given its position forward of the main dwelling and close to the site frontage, the enlarged building would be unduly prominent within the existing street scene and would be somewhat jarring on the eye. As such, it would unacceptably detract from the character and appearance of the area.
7. Accordingly, the proposal would be contrary to Policies SP17, DM1, DM30 and DM32 of the Local Plan<sup>2</sup>, Policy PW2 of the Neighbourhood Plan<sup>3</sup> and the Residential Extension SPD<sup>4</sup> which, amongst other things, seek to ensure that development is of an appropriate scale and that it responds positively to the character of the area. The proposal would also be contrary to Paragraph 130 of the Framework which, amongst other things, seeks to ensure development is sympathetic to local character.

### **Other Matters**

8. The appellant considers that the proposed garage building would be subordinate to the main dwelling and not cause harm to the wider landscape or public realm. I acknowledge that the proposed building would be lower than the overall height of the main dwelling and that it would be within an existing residential curtilage, much of which would remain undeveloped. I also note that the proposal is unlikely to harm any existing trees or planting on site. However, in my opinion, it is the combination of the scale of the proposed building and its position close to the front boundary, which will cause harm to the wider area. As such, I attach little weight to the proposed building being lower than the main dwelling or that much of the residential curtilage would remain undeveloped. The lack of harm to existing trees and planting would be neutral in any balance.

### **Conclusion**

9. The proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Stewart Glassar*

INSPECTOR

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<sup>2</sup> Maidstone Local Plan (2017)

<sup>3</sup> Staplehurst Neighbourhood Plan (2016)

<sup>4</sup> Maidstone Local Development Framework Residential Extensions Supplementary Planning Document (2019)