



Appeal Decision

Site visit made on 26 January 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/U2235/W/21/3282055

Land Adj, 1 Bannister Road, Maidstone ME14 2JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nick Cook against the decision of Maidstone Borough Council.
 - The application Ref 21/500263/OUT, dated 14 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is Creation of one dwelling on land adjacent to 1 Bannister Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with approval sought for the matters of appearance, layout and scale as part of the outline application. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters of access and landscaping.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 1 Bannister Road, with particular regard to external amenity space.

Reasons

Character and appearance

4. The appeal site forms a corner plot fronting Bannister Road and Hillary Road. Elevated above the highway and clearly visible in public views from the adjoining junction and roads leading to it, the site is a prominent feature in the streetscene and, given its position and undeveloped character, contributes to the relatively green and spacious nature of the locality. Although the surrounding area includes a mixture of properties with a variety of sizes and roof forms including hips and gables, the site is positioned between two rows of properties which have gambrel roofs and consistent building lines set back from the highway. These are defining features of the locality, afford the area its spacious character and set the context for the site.

5. With its gable roof design, the proposed development would appear as an incongruous addition out of character with the adjoining gambrel roofed properties that it would sit between. Its significant projection forward of the building line of the adjoining row (Nos 10-18) on Hillary Road would draw attention to its discordant form, disrupt the area's regular pattern of development and erode the rhythm and spacious form of the street. Its forward projection would also mean that much of its relatively large, blank south-east elevation (Elevation B on the submitted plans) would be visible in public views. This would not represent high quality design. In coming to this view, I have taken into account that the site forms a corner plot and that the proposed dwelling would have a similar orientation to No 8 Hillary Road. However, that property fits in with the building line and layout of the street, is positioned further away from the highway and gambrel roofed buildings than the proposed dwelling would be, and is in a less prominent position than the site. Accordingly, it has a different context and its presence neither indicates that the proposal would be acceptable nor that it would read as sufficiently related to its surroundings.
6. Boundary treatment fronting the highway in the surrounding area involves a variety of features, including fencing, low walls and hedges. Accordingly, it seems to me that appropriate boundary treatment and soft landscaping that would provide sufficient privacy for an external amenity area on the site without harming the character and appearance of the locality could be agreed at reserved matters stage and/or secured via a suitably worded planning condition. Although fenestration on the proposed dwelling would include windows with either two or three panels and the surrounding gambrel roofed properties may have originally included five panel windows, I observed on my site visit that several first-floor windows in those properties now contain fewer panels. The proposed fenestration would not therefore read as inappropriate or unacceptable. In addition, the site would not be obviously significantly different in size from surrounding plots while the scale of the proposed dwelling, although not serving to lessen its prominence in the streetscene, would reflect surrounding built form.
7. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) (MBLP). Amongst other aspects, these seek proposals of a high quality design which respond positively to the character of the area and do not result in significant harm to the character and appearance of the area.

Adjoining occupiers

8. Although previously forming part of what would have been the large garden of No 1 Bannister Road, the site is now separated from that property by a fence. The proposed development would not therefore affect the amount of external amenity space that No 1 currently has access to, which includes a rear patio area and some space to the front and between the side of the dwelling and the fence on the shared boundary. Although the rear patio is somewhat enclosed due to its position between the rear of the dwelling, fencing and the retaining wall and rising land behind it, I observed on my site visit that the outside spaces at No 1 would currently have reasonable outlook, particularly given the open, undeveloped nature of the appeal site.

9. Due to the position of the proposed dwelling to the north/north-east of No 1, the appeal proposal would not overshadow the adjoining plot nor reduce the amount of sunlight it receives. However, given its size, position and limited degree of separation to the shared boundary, the proposed dwelling would appear as a significant feature that would dominate the external spaces at the rear and side of No 1. These areas would therefore experience significantly reduced outlook due to the proposed development.
10. For the above reasons, I conclude that the proposed development would harm the living conditions of the occupiers of 1 Bannister Road, with particular regard to external amenity space. I therefore find that it conflicts with MBLP Policies DM1 and DM11. Amongst other aspects, these seek proposals to respect the amenities of occupiers of neighbouring properties and not result in significant loss of outlook for adjoining properties.

Other matters

11. A number of other issues have been raised by third parties regarding the proposed development, such as in relation to parking, highway safety and the living conditions of other nearby neighbours. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance

12. I have found that the proposed development would harm the character and appearance of the surrounding area and the living conditions of the occupiers of No 1 Bannister Road. In turn, it would conflict with MBLP Policies DM1 and DM11. As such, I find that it would be contrary to the development plan as a whole.
13. Overlooking from the first-floor windows on the rear elevation could be avoided by ensuring that the glazing was obscured. The Council's landscape officer did not object to the planning application and no concerns relating to highway safety have been raised by the Council or the Highway Authority. There would also be some benefits associated with the proposed development, including the windfall provision of an additional house on a site that the Council considers to be in a sustainable location due to its position within the urban area of Maidstone.
14. However, given the scale of the development, the benefits would be relatively limited. With the submitted evidence indicating that the Council has a five year supply of housing land, the development is also not needed to ensure a sufficient supply of homes in the district. Consequently, I find that the above matters neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

15. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR