



Appeal Decision

Site visit made on 14 February 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2022

Appeal Ref: APP/U2235/D/21/3280599

18 Lancet Lane, Maidstone, Kent ME15 9RX

- 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 and Mrs Howlings against the decision of Maidstone Borough Council.
 - The application Ref 21/501359/FULL, dated 9 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is erection of a first and second floor rear extension together with roof alterations and roof lights (Resubmission of 20/502369/FULL).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner above is taken from the Council's decision notice and was agreed by the appellants prior to the Council's decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - its effect on the living conditions of the existing occupiers of Nos 12 and 18a Lancet Lane, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a detached chalet bungalow (the bungalow) in a residential suburb of Maidstone. This part of Lancet Lane includes some bungalows though mostly two-storey houses of varied type and size, arranged in rows along each side of the road. The bungalow is wide with a horizontal emphasis due to low eaves level, a shallow pitched front to back roof, low main ridge height and broadly symmetrical gable ends. The proposal would alter it to provide a second floor within a raised roof and replace a long first floor flat roof rear dormer with a vertical elevation (the dwelling). The footprint of the bungalow would not change and the Council did not object to the external materials of the dwelling, nor do I.

5. At the front, the increased ridge height of the dwelling would not in itself be out of keeping in the local context and streetscene. However, despite the hipped ends, extending the sloping plane of the roof seamlessly to this height and extent would result in a large expanse of mostly unrelieved roof. Despite existing and proposed fenestration this would result in a disproportionate, top heavy, appearance to the dwelling. Furthermore, the 'double stacking' of additional rooflights for the second floor, and in the highest most prominent part of the roof, would appear incongruous above the dormer window and rooflights at first floor level.
6. At the rear, a conventional vertical first floor elevation in the dwelling would not appreciably alter the essence of this part of the bungalow compared to the dormer and would remove a large flat roof. However, the blank horizontal band between the top of the first floor windows and the eaves level of the extended roof above would run across virtually the entire width of the dwelling. This would add significantly to its scale and massing. Moreover, visually, the resulting two and a half storey elevation, below a narrow hipped roof and the oversailing side hipped roof form at either end, would appear discordant and unduly bulky.
7. While a side hipped, main roof would not be out of keeping per se in the local area, the combined effect of the alterations at the front and rear would result in a pronounced and overly asymmetric appearance to the dwelling. This would be an innate, jarring trait irrespective of not being able to view the front and rear elevations next to each other. It would have a profound effect on the overall form and profile of the dwelling, including that it would overly detract from the intrinsic symmetry of the bungalow. Despite the set-back from the road and some front boundary hedgerow and trees, the design of the dwelling, including the juxtaposition between the front and rear elevations, and thus its overall form, scale and massing would be conspicuous in public views in either direction from along Lancet Lane, including in angled views towards each side elevation.
8. I accept that features of the proposed design are present in some other dwellings near the appeal site. I also appreciate that the appellants wish to retain some of the historic provenance of the bungalow. However, it is the way in which these aspects of design have been applied in the proposal that collectively and cumulatively would be incompatible. This would, therefore, be irrespective of the individual dimensions or volumetric calculations that have been referred to by the appellants. It would result in a disparate approach and a dwelling that holistically would be neither one thing or another (chalet bungalow or house) and, in that sense, alien in this streetscene and out of keeping with the overall general appearance of residential development nearby. Fundamentally, the design lacks sufficient coherence.
9. Taking all of the above into account, I find that the development would cause significant harm to the character and appearance of the area. It would therefore conflict with the Council's Local Plan¹ (LP) Policies DM1 and DM9. These include that development should be high quality in design and respond positively to local character, the streetscene and context with particular regard to scale, height, form, mass, bulk, appearance and in relation to an existing building. The Council has also referred in general terms to a Neighbourhood

¹ Maidstone Borough Local Plan, October 2017

Plan² (NP). I consider the most relevant NP policy is SD Policy 5 which relates to the design of new housing and is broadly aligned with the objectives of these LP policies. It follows that the proposal would not reflect the requisite design considerations and principles in section 4 of the Council's Residential Extensions supplementary planning document, May 2009 (SPD).

10. The development would also conflict with the National Planning Policy Framework (Framework). It seeks to achieve well-designed places with development that adds to the overall quality of an area, is visually attractive as a result of good architecture, sympathetic to local character, including the surrounding built environment, and maintains a strong sense of place using building types that create distinctive places to live.

Living conditions

11. No 12 is a chalet bungalow positioned further back from the road and would be sited just behind the dwelling, separated by a vehicular driveway. Some upward views of the sky in one direction from ground and first floor side windows would be further restricted by the increased height, scale and massing of the upper part of the dwelling. However, the gap would be sufficient to avoid an unduly overbearing effect and perpendicular views and views in the other direction would not be affected. Views from ground floor front windows would remain screened by the forward projection and height of an intervening garage and views from the first floor windows would be on the far side of this chalet bungalow, at an oblique angle.
12. No 18a is a chalet bungalow and would be sited slightly closer to the road than the dwelling, separated by its side driveway and the side driveway at the appeal site. Perpendicular views from ground floor side windows would be further restricted by the increased height, scale and massing of the upper side gable of the dwelling. However, these would be very acute upward views towards the sky and it would not, therefore, be unduly overbearing. Views from rear ground and first floor windows would not be affected at all as the dwelling would not be sited any further back on the appeal site than the bungalow. It would be in direct line of sight from a small first floor side dormer window, though not so close as to be unduly overbearing, and a large window next to it would be sited forward of the main high side elevation of the dwelling. It would not, therefore, be unduly overbearing and perpendicular and angled views towards the road would not be affected.
13. Furthermore, given the size, layout and siting of the rear gardens at No 12 and No 18a in relation to the appeal site, the dwelling would have no overbearing effect on the use of these external amenity areas or restrict outlook from these spaces. Overall, the proposal would result in a similar juxtaposition to many other adjoining dwellings in this part of Lancet Lane. I also note that, subject to conditions³, the existing occupiers of Nos 12 and 18a did not object.
14. Considering the above, I find that the development would not cause harm to the living conditions of the existing occupiers of Nos 12 and 18a Lancet Lane, with particular regard to outlook. It would therefore comply with LP Policies DM1 and DM9 which include that development should respect the amenities of the occupiers of neighbouring properties and uses and safeguard the outlook of

² North Loose Neighbourhood Development Plan, April 2016

³ Restrictive covenants would be a private matter between the respective parties.

adjoining residents. The Council has also referred in general terms to the NP and I consider the most relevant policy is HD Policy 1. It relates to housing in gardens and is consistent with the objectives of these LP policies. It follows that the proposal would reflect the requisite amenity considerations and principles in section 4 of the SPD. The development would also comply with the Framework which seeks to achieve well-designed places with a high standard of amenity for existing users.

Other Matters

15. I appreciate that the proposal is a resubmission following the Council's decision to refuse permission for a previous proposal. I realise that there had been prior discussion with the Council and that the appellants consider the current proposal overcomes the Council's concerns. I also note that the appellants are dissatisfied with certain aspects of the Council's procedural handling of the application, though these are not matters for me to consider in the context of this appeal. Having made its decision for the reasons that it did, I have considered the appeal on its individual planning merits and my decision relates to the particular proposal before me.

Conclusion

16. For the reasons given above, and notwithstanding my findings with regard to living conditions, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR