The Planning Inspectorate

Appeal Decision

Site visit made on 7 June 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/U2235/D/22/3292048
Cherry Lodge, Priory Close, East Farleigh, Maidstone ME15 0EY

- 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 & Mrs J Lyon against the decision of Maidstone Borough Council.
- The application Ref 21/506154/FULL, dated 15 November 2021, was refused by notice dated 17 January 2022.
- The development proposed is the proposed conversion to two storey house with attic.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the surrounding area; and b) the living conditions of neighbouring occupiers, with particular regard to creating an overbearing presence.

Reasons

Character and Appearance

3. The appeal site is a bungalow which sits within a reasonably sized plot, at the corner of Priory Close and Lower Road. The appeal site is one of several dwellings in Priory Close which are visible from Lower Road. They signify the entrance to the cul-du-sac, in what is otherwise a largely undeveloped, countryside location. The properties visible from Lower Road comprise a mix of bungalows, chalet bungalow and two storey dwellings. However, due to their positioning and land levels, none are overly prominent. Together with the mature planting within individual gardens, the character of this part of Priory Close, including the appeal site, is spacious and verdant.

4. The proposal would largely retain the same footprint as existing but would build up to create a second storey over most of the building. Some additional living space would also be accommodated within the main part of the roof.

5. However, the works would accentuate the depth of the building, something which is not readily apparent with the existing single storey structure. The constituent parts of the front elevation would combine to present a bulky and incongruous appearance. These factors, together with the proposed height of the building, would result in the house appearing overly dominant within the

street scene when compared to neighbouring dwellings and would detract from the spacious character and appearance of the locality.

6. The proposal would utilise a rendered finish and plain tiling to match the existing, retain a chimney and use tile hanging to the front. Such features are said to be reflective of the existing dwelling and local area. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.

7. There is dispute between the main parties as to whether the glazed panels in the front elevation would cause harm. Although they do not add to the physical size of the building, the glazed panels form part of the overall composition of the building's façade and thus its overall appearance, which I have found to be harmful. However, they are not a determining factor and thus even if the scheme did not include these glazed panels or the frames were changed, the proposal would not be acceptable.

8. Whilst variety and difference does not necessarily lead to harm, in this particular instance the proposed building would have a jarring visual relationship with its surroundings that would harm the wider area. I acknowledge that there are a number of sizable properties within the vicinity, including two storey houses. However, these appear to assimilate acceptably in terms of their design and appearance and do not, based on what I have seen, harm the character and appearance of the street scene in the same way the appeal proposal would.

9. I acknowledge that the existing planting could help to screen some of the building. However, given that planting can too easily be removed, provide less protection at various times of the year or simply suffer disease and die, it cannot be relied upon. As such, the boundary planting in this instance is not a reason to allow the appeal.

10. I also noted the urban area of Maidstone can be seen in the distance. However, given the scale of the proposal and its visibility within its immediate environs, the background does not mitigate the harm that I have identified.

11. I therefore find that the proposed development would harm the character and appearance of the surrounding area. Accordingly, it would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017 (Local Plan) which, amongst other things, seek to ensure that developments respond positively to the local area and character.

Living Conditions

12. The existing flat roof over the garage, which is the nearest part of the dwelling to Genesta, the neighbouring property, would be replaced by a hipped roof. Although it would be taller than the existing, the new roof would slope away from the boundary with this neighbour.

13. The height of the dwelling would be stepped, so that it would increase towards the central section. The use of the hipped roof design would aid this transition and ensure that each new ridge height would be set further from the boundary with Genesta.

14. The additional height and bulk of the building would be visible from this neighbouring property, and in particular from the neighbour's conservatory.

However, given the design of the roof and the stepped increase in the height of the building, the overall result would not be overbearing to this neighbour.

15. Similarly, whilst the proposed extensions might be visible to the occupants of East Lodge to the rear of the appeal site, the distances involved would ensure that the works would not create an overbearing presence to this neighbour.

16. Accordingly, I find that the proposal would not be overbearing such that it would cause harm to the living conditions of neighbouring occupants. The proposal would therefore accord with Policy DM1 of the Local Plan which, amongst other things, seeks to ensure that the living conditions of neighbouring occupiers are protected.

Conclusion

17. The proposal would harm the character and appearance of the area and would 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. The fact that I have found in the appellant's favour with regard to the effects on the living conditions of neighbours does not outweigh the totality of the harm I have identified and so does not alter my conclusions.

18. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR