



Appeal Decision

Site visit made on 25 May 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/U2235/W/21/3283950

Land rear of 579, 579A & 579B, Tonbridge Road, Maidstone, Kent, ME16 9DG

- 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 King & Johnston Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref 21/503128/FULL, dated 15 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is construction of a detached two bedroom dwelling with associated access and parking.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a detached two bedroom dwelling with associated access and parking at land rear of 579, 579A & 579B, Maidstone, ME16 9DG in accordance with the terms of the application, Ref 21/503128/FULL, dated 15 June 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Outline planning permission was refused for a dwelling on the land in 2001 and in 2002 relating to policies in previous development plans.

Main Issue

3. The main issue is the effect of the development with respect to its siting and size on the character and appearance of the area.

Reasons

4. The semi-detached pair of houses, 579 and 581 Tonbridge Road, are angled to face the junction of Tonbridge Road with Farleigh Lane and have long triangular shaped front gardens with frontage parking. A two-storey side extension to no.579 encompasses the flats at 579A and 579B Tonbridge Road. Access to the flats is gained through the appeal site located to the south of retained garden land for existing dwellings. The appeal site comprises hard standing bordered by rough ground with an open access to Farleigh Lane.
5. The surrounding area is residential in nature but mixed in form. There are semi-detached and terraced houses along Tonbridge Road. On the eastern side of Farleigh Lane are narrow fronted terraced houses sited close to the road with two-storey flats at Farleigh Court set back from the road to the south of this and recessed bungalows in-between. To the south of the appeal site on the western side of Farleigh Lane are two bungalows.

6. The character of Farleigh Lane becomes more suburban further south, but the appeal site lies close to the more urban character of Tonbridge Road. The appeal site is partially screened by a close boarded fence but is open to view from the south through the vehicular access. Whilst it forms a small visual break between the bungalow at 2 Farleigh Lane and buildings to the north, it is not an attractive space, affording views of the rear walls to dwellings on Tonbridge Road over a parking area and rough ground.
7. The proposed two-storey dwelling would be of modest size with the ridge to its pitched roof much lower than most nearby dwellings but similar in height to the adjacent bungalow at 2 Farleigh Lane. The proposed front dormers would be similar to those at no.2 although the design would otherwise differ. The new dwelling would be sited a little behind the frontage to no.2 with a parking area to the front served by a repositioned access. Whilst the curtilage would be relatively small there would be sufficient amenity space to the rear and the side for this small dwelling. The size and siting of the dwelling would therefore be appropriate to the site's context and the proposal would not appear cramped in the street scene.
8. There would be a partial infilling of the present visual break, but this would be an enhancement in relation to the present condition of the appeal site and the character of the immediate surrounding area. There is a visual break to the eastern side of Farleigh Lane opposite the appeal site formed by an electricity sub-station and a large tree positioned in front of the recessed bungalows. This space differs greatly in appearance from that of the appeal site. The change to a suburban character along Farleigh Lane is not so sudden or clear cut that the proposal would appear overly urban or out of place. It would be no closer to Farleigh Lane than adjacent dwellings and sympathetic in form to them. There would be hardstanding to the front of the dwelling for parking, but the size of the hardstanding would be reduced from that currently on site.
9. There would not be conflict with Policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) which promote good design that responds positively to and where possible enhances the local character of an area including for new dwellings on former residential garden land. Neither would there be conflict with the National Planning Policy Framework (the Framework) (2021). The Council has not specified any particular paragraphs from the Framework in its decision notice, but the proposal would be compatible with chapters 11 and 12 on making effective use of land and achieving well-designed places. The provision of an additional home in a sustainable location within the built up area of Maidstone would also be a benefit making a small contribution to the general need for more dwellings.

Other Matters

10. There were no representations at the application stage but several in favour of the proposal were submitted at the appeal stage.

Conditions

11. In addition to the statutory condition limiting the lifespan of the permission, a condition is needed to list the approved plan numbers in the interests of proper planning. To ensure a satisfactory appearance to the development, conditions are necessary to ensure external materials are in accordance with submitted plans and to approve appropriate landscape measures.

12. Conditions are required to ensure the revised vehicular access and parking arrangements are implemented including closure of the existing access to ensure satisfactory highway arrangements. Storage areas for bicycles, refuse and recycling bins need to be provided as specified on the approved plans to ensure the proper functioning of the site. I have included the Council's suggested condition on sound insulation to ensure satisfactory living conditions for future occupiers. Finally, I have included a condition to ensure provision of suitable access arrangements for occupiers of the flats at 597A and 579B Tonbridge Road as the present access passes through the appeal site.

Conclusion

13. The size and siting of the proposed dwelling would have an acceptable effect on the character and appearance of the surrounding area. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2109/01, 2109/02, 2109/03, 2109/4 and 2109/05.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2109/03.
- 4) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2109/02 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The spaces shall thereafter be kept available at all times for the parking of occupiers' vehicles.
- 6) The existing vehicular access shall be closed, and the footway reinstated upon construction of the proposed access prior to first occupation of the new dwelling.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2109/02 for a bicycle store and refuse and recycling areas to be provided. These spaces shall thereafter be kept available at all times for these purposes.

- 8) No development above ground level shall commence until a scheme to demonstrate that the internal noise levels and the external noise levels in back/side garden shall conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings – has been submitted to and approved in writing by the local planning authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.
- 9) Prior to first occupation of the development hereby approved, details of pedestrian access to the flats at 579A and 579B Tonbridge Road (currently through the appeal site) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.