
Appeal Decision

Site visit made on 7 May 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/U2235/W/19/3221182
539 Loose Road, Maidstone ME15 9UQ

- 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 D Wolland against the decision of Maidstone Borough Council.
 - The application Ref 18/502321/FULL, dated 30 April 2018, was refused by notice dated 20 November 2018.
 - The development proposed is the change of use of ground floor retail shop (A1) to 3 No. x 1-bed flats and 1 No. x 2-bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor retail shop (A1) to 3 No. x 1-bed flats and 1 No. x 2-bed flat at 539 Loose Road, Maidstone ME15 9UQ in accordance with the terms of the application, Ref 18/502321/FULL, dated 30 April 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The applicant's name appears as Wallond on the application form, and Wolland on the appeal form. The appellant's agent has advised that Wolland is the correct spelling and I have therefore used this in the banner heading.

Main Issues

3. The main issues are i) whether the proposal would provide adequate living conditions for future occupiers with regard to privacy, outlook, disturbance and internal layout; and ii) the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The proposal would result in the conversion of the ground floor retail unit to four self-contained flats, requiring the provision of additional windows on both side elevations, and the replacement of doors to the front of the building with windows. In terms of privacy, I note that the windows serving the lounge/kitchen to Unit 7 and the bedroom to Unit 8 would be sited in an elevated position in relation to the ground level of the sloping access drive, and therefore passers-by would have only a restricted view into these rooms. Although the bedroom window to Unit 7 would be adjacent to a footpath leading to the main entrance to the building and would therefore be visible to

- passers-by, it would benefit from any screening provided by planting in Planting Bed 2 from wider views from the car park and access. As a result, I find that the proposal would provide adequate privacy for the future occupiers of those units.
5. The vehicular and pedestrian access serves existing residential uses on the upper floors of the appeal site, as well as an existing two storey building which I understand to be in commercial use to the rear of the appeal site. The unit appears to have a forecourt to the front. This access already passes in close proximity to 537 Loose Road and the existing residential uses on the site. I appreciate that the sole aspect of the lounge/kitchen and bedroom to Unit 7 and the bedroom to Unit 8 is onto the vehicular access. However, I have seen no firm evidence that the use of the access by commercial vehicles or pedestrians is so intensive as to cause noise and disturbance to the future occupiers of the proposed flats. I therefore do not find that the proposal would fail to provide adequate living conditions in this respect.
 6. The reason for refusal refers to the use of obscure glazing and fixed shut windows. Two windows are shown to be obscure glazed and fixed shut, and they would be on the flank elevation serving Units 9 and 10. As one of the windows would serve a bathroom, the restrictive effect on outlook would not be harmful. The other window would serve the lounge/kitchen to Unit 10 but would not be the sole window to that room, which would also have an outlook over the proposed amenity space to the rear. Therefore, the restrictive effect on the outlook from these windows would not be harmful to living conditions.
 7. With regard to the internal layout, while the lounge/kitchen to Unit 10 would be L-shaped, it would not be so narrow that it could only function as a corridor. The room would be sufficiently large to allow a satisfactory amount of living space for future occupiers. I do not therefore agree that the internal layout would fail to provide adequate living conditions.
 8. For the reasons set out above, I find that the proposal would provide adequate living conditions for future occupiers with regard to privacy, outlook, disturbance and internal layout. Thus, it would not be in conflict with Policy DM1 of the Maidstone Borough Local Plan 2017 (the Local Plan), insofar as it seeks to ensure that new development provides adequate amenities for future occupiers, or with the guidance in the National Planning Policy Framework (the Framework).

Character and appearance

9. The site is located on the main A229 Loose Road. With the exception of the appeal site, this section of Loose Road is predominantly residential, with tightly spaced two-storey terraced and semi-detached houses, in contrast with the detached dwellings in wider plots on the opposite side of the road. On this side of the road dwellings are generally set up from the road behind small front gardens with areas of planting. The appeal site is an anomaly in this frontage, being a wider site in mixed commercial and residential use. The building is bulkier and taller than its neighbours, with a projecting section located centrally on the front elevation providing an entrance feature in an otherwise simple facade. It is set up from the road behind brick retaining walls, with two stepped access routes leading to the front entrance door, separated by metal railings and gates.

10. The proposal would result in the wide front entrance door with glazing panels either side being replaced by a wide window at ground floor level. I saw on my site visit that the existing ground floor front windows are currently obscure glazed, the front entrance door is not in use and that the area to the front of the building is devoid of any landscape planting. The proposal would result in two areas of planting to the front of the building. The ground floor windows would serve main habitable rooms, including two lounge/kitchens, which would increase the level of activity compared with the existing situation. Moreover, there is no indication that the windows would be obscure glazed as at present. As a result, I find that the appearance of the front of the building would be improved, with ground floor windows being in active use, and significant areas of landscape planting being created. This would be beneficial to the character and appearance of the site. While I accept that would be no front entrance to the building to provide a focal point of activity, I find that the improvements that the proposal would bring to the area to the front of the building would result in a positive contribution to the character and appearance of this part of Loose Road.
11. The areas to the sides and rear of the building are currently dominated by hardstanding, for the access, parking and turning areas. As a result of the proposal, three areas of landscape planting would be introduced, as well as a hedge along the side boundary adjacent to 545 Loose Road. This would be a significant improvement to the appearance of the existing car park, and I do not therefore agree with the Council that the proposal would fail to provide an adequate standard of design.
12. For the reasons set out above, I therefore find that the proposal would not be harmful to the character and appearance of the surrounding area. Thus, it would not be in conflict with Policy DM1 of the Local Plan which seeks, amongst other matters, to ensure that new development is of high quality design that responds positively to the character of the area, or the guidance in the Framework.

Other Matters

13. I note that the Council has raised concerns regarding the security of users of the entrance to the flats due to the proposed location of the entrance at the rear of the building, although this did not form part of the reasons for refusal. The Council has also referred to specific pages of Building for Life 12, which was adopted in March 2019. However, I have seen no firm evidence that the issues raised indicate that permission should be withheld in this case.
14. North Loose Residents Association (NLRA) provided comments in relation to the planning application that referred to their Neighbourhood Development Plan (NDP). The Council did not include any reference to the NDP in its reason for refusal or delegated report, but has confirmed that it was adopted on 13 April 2016. As I have not been provided with any relevant policies, and the NLRA has commented that the proposed development does not contravene any of the policies in the NDP, I have not pursued this matter further.

Conditions

15. The Council has suggested that conditions be imposed should the appeal be allowed. I have considered the suggested conditions in the light of the guidance contained in the Government's Planning Practice Guidance. In addition to the

standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In the interests of the character and appearance of the area I have imposed conditions relating to hard and soft landscaping. As no new built development is proposed and the area is already hard surfaced, I am not persuaded that a condition requiring details of surface water drainage is required. Details of the storage of bins are required in the interests of the character and appearance of the area, although details of their collection are not necessary. I have imposed a condition which requires electric vehicle charging infrastructure to be provided as required by Local Plan Policy DM23. A condition requiring biodiversity enhancements is required by Policy DM1.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

N Thomas

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:
 - Location Plan
 - Drawing Number LR03 Rev 1 Site Layout and Location Plan
 - Drawing Number LR04 Rev 1 Existing and Proposed Elevations
 - Drawing Number LR02 Proposed Ground Floor Plan
- 3) Prior to the first occupation of the development hereby approved, a hard and soft landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification and a 5 year management plan. The landscape scheme shall specifically address the need to provide a satisfactory external layout and amenity area for future occupiers.
- 4) The development shall not be occupied until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely

affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

- 5) Prior to the first occupation of the development hereby approved a scheme for the storage and screening of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.
- 6) Prior to the first occupation of the development hereby approved a minimum of one electric vehicle charging point with dedicated off street parking shall have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained.
- 7) The development hereby approved shall not be occupied until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.