



## Appeal Decision

Site visit made on 16 August 2022

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 SEPTEMBER 2022**

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**Appeal Ref: APP/U2235/W/22/3290375**

**16 Hatherall Road, Maidstone, ME14 5HE**

- 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 M Nuttal against the decision of Maidstone Borough Council.
  - The application Ref 21/503108/FULL, dated 1 June 2021, was refused by notice dated 19 August 2021.
  - The development proposed is the erection of a detached two-bedroom dwelling
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached two-bedroom dwelling at 16 Hatherall Road, Maidstone, ME14 5HE in accordance with the terms of the application, Ref 21/503108/FULL, dated 1 June 2021, and the plans submitted with it, subject to the attached schedule of conditions.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. Hatherall Road is predominantly residential and characterised by a mixture of bungalows and two storey detached and semi-detached properties set back from the highway with car parking to the front and gardens to the rear. There is variation in the design of properties on either side of the road, albeit there are groups of properties which share design similarities.
4. The new house, whilst detached, would have the same pattern of first floor fenestration, ground floor bay window and front porch as the other semi-detached dwellings within the group. Its width would not be identical to the adjoining semi-detached houses. However, as the house would be detached, rather than semi-detached, its width, which would be marginally less than half of the adjoining pair of semis, would not sit uncomfortably within the streetscene. The pitched roof, height, and use of materials would also be similar to the neighbouring houses. The building would be set-back within its plot, following the prevailing building line on this stretch of the road. As a result, the design of the dwelling would not appear incongruous within the streetscene.
5. Properties within the group generally have linear rear gardens. However, No. 16 is unusual in having an additional side garden area, within which the appeal development is proposed. No. 16 is positioned so that it is angled away from

the appeal site, which creates an untypically wide gap at present. As a result, when viewed from Hatherall Road a generous visual gap between the front elevation of No. 16 and the appeal development will remain. This ensures that a sense of spaciousness between the appeal development and the property would be preserved. On the other side, the gap that would be maintained between the side elevations of the appeal development and No. 18 would not be uncharacteristically small. The new dwelling would be set in from its boundaries, in a similar manner to the neighbouring properties. Overall, the spacing and layout of the appeal development ensures that it would not appear cramped within its plot. Consequently, I find that the proposal would respect the urban grain of the local area.

6. During my site visit I viewed other gaps between buildings on the road at No. 19 and between No. 50 and No. 52. Each of the properties are of a different design to the group of houses that the appeal site sits within and the gaps to the neighbouring properties are smaller than the gap in built development found at the appeal site. Whilst the properties along the road are generally separated from one another by several metres, particularly large gaps between one another is not a significant characteristic of Hatherall Road. Consequently, whilst the appeal proposals would result in a reduction to the existing break in built development, for the reasons outlined above, this will not be harmful to the character of the area.
7. The additional parking to the front of No. 16 is outside of the appeal site and is not for me to consider within this appeal. Parking to the front of properties is a characteristic of Hatherall Road, and a significant number of properties within this stretch of the road have hardstanding providing space for two vehicles to park side by side. An area of hedging along the appeal site boundary would be removed to make way for the development. The appeal drawings show that the hedging on the front boundary of No.16 will be retained. New boundary planting will be provided either side of the dwelling's proposed car parking. This will soften the appeal development's visual impact. I have imposed a condition which requires details of a landscaping scheme. Consequently, the two parking spaces and hard standing proposed to the front of the appeal development would not harm the character of the area.
8. For the reasons outlined above, I conclude that the proposed dwelling would not cause harm to the character of the area. Accordingly, I find no conflict with LP Policies DM1 and DM11 which, amongst other aims, seek to ensure high quality design which does not harm the street scene, or those principles of the National Planning Policy Framework (the Framework) that seek good design sympathetic to the local area.

### **Other Matters**

9. Concerns have been raised relating to highway safety implications of additional parking on the highway, impact on local property values, and the potential loss of natural light and privacy for occupiers of neighbouring buildings. The appeal proposal provides two off-street car parking spaces which I consider sufficient to reduce the likelihood of future occupiers choosing to park on the highway, given the scale of the property. Given the separation distances and as no side facing upper floor windows are proposed, I do not find harm to the living conditions of neighbouring occupiers. The concerns with regards to property values relate to private interests which I have not given any weight to.

## Conditions

10. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the National Planning Policy Guidance (NPPG)<sup>1</sup>.
11. I have imposed an approved plans condition in the interests of certainty. Details of external materials need to be approved in the interests of the character and appearance of the area. Likewise, conditions related to the approval of a landscaping scheme and a requirement for planting in the first planting and seeding seasons are imposed.
12. I have included conditions related to the provision and retention of off-street parking and a single electric vehicle charging point, in the interests of highway safety and to promote low emission vehicles. I have also included a condition requiring a scheme of biodiversity measures in order to enhance biodiversity on the site.
13. Bearing in mind the PPG's advice that such conditions should only be used in exceptional circumstances, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of the permitted development rights order.

## Conclusion

14. For the above reasons, and having had regard to all other matters raised, the proposed development would not harm the character and appearance of the area and would accord with the development plan and the Framework. The appeal is therefore allowed.

*B Pattison*

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: 1377/1; 1377/2; 1377/3.
- 3) No development above slab level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the local planning authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the house such as swift bricks, bat tubes or bee bricks, or through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be

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<sup>1</sup> PPG reference ID: Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

implemented in accordance with the approved details prior to first occupation of the dwelling and all features shall be maintained thereafter.

- 5) No development above slab level shall take place until a scheme of landscaping, which includes a planting specification, has been submitted to and approved in writing by the local planning authority.
- 6) 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 buildings or the completion of the development, whichever is the sooner; and 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.
- 7) The development hereby permitted shall not be occupied until a minimum of one electric vehicle charging point has been installed and shall thereafter be retained for that purpose.
- 8) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 1377/1 for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.