



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: 24 OCTOBER 2022

Appeal Ref: APP/U2235/W/21/3286108
72 West Park Road, Maidstone, ME15 7AG

- 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 R Balchin against the decision of Maidstone Borough Council.
 - The application Ref 21/503644/FULL, dated 29 June 2021, was refused by notice dated 4 October 2021.
 - The development proposed is described as proposed demolition of existing garages and creation of 1 new dwelling complete with new vehicle crossover and off-street parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed demolition of existing garages and creation of 1 new dwelling complete with new vehicle crossover and off-street parking at 72 West Park Road, Maidstone, ME15 7AG in accordance with the terms of the application, Ref 21/503644/FULL, dated 29 June 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. West Park Road is predominantly characterised by two storey houses set back from the road with parking to the front and gardens to the rear. There are a mix of semi-detached and terraced properties. The main external materials are bricks and pebble dash, with a mixture of pitched and hipped roofs sometimes with gable ends on the front elevations.
4. The area closest to the roundabout and surrounding the appeal site is less uniform. To the right, as viewed from West Park Road, is a two-storey block of flats with a flat roof, and beyond this is a small convenience store. To the east of the appeal site, facing the roundabout, is a three-storey block with a curved roof. The houses on the opposite side of the road, closest to the appeal site are positioned closer to the highway than the majority of houses on West Park Road.
5. The 'donor' property's garden is located to its side. Similarly, the proposed dwelling's private amenity space would also be positioned to its side. Whilst further along West Park Road the layout of houses is more uniform with linear gardens to the rear, for the reasons outlined above, the pattern of development and plot sizes surrounding the appeal site and close to the

roundabout are noticeably less regular. Consequently, the introduction of a new house with a proposed side garden in this location would not be at odds to the character of this part of the road.

6. The council consider that the house, when viewed in isolation, is well designed. I find that the proposed height, mass and the hipped roof form and small gable would be characteristic of the area. The hipped roof would pitch away from the neighbouring block of flats, which has a significant set-back from the highway. These would help provide visual separation between the buildings. On the other side, the width of the two amenity spaces of No 72 and the proposed dwelling would provide a separation distance which would prevent the development from appearing cramped or at odds with the surrounding pattern of development.
7. Much of the area where the new house is proposed is occupied by a garage and hardstanding. Consequently, the proposed house would not result in the loss of significant trees or hedgerows which could erode the character of the area.
8. The appeal development would provide a generously sized car parking area. Car parking to the front of houses is a characteristic of dwellings on West Park Road, and is a notable feature of the properties opposite the appeal property. The appeal scheme involves the installation of a low timber palisade fence which would ensure that the parking area would be less prominent than the parking at neighbouring properties. Overall, the hardstanding would not be excessive or visually harmful. Whilst additional hardstanding is proposed to provide car parking for the 'donor' property, this would be screened by the existing tall wood panel fence on the front boundary. As a result, this area of hardstanding will be largely hidden from public views and would not be harmful.
9. For the reasons outlined above, I conclude that the proposed dwelling would not harm the character and appearance of the area. Accordingly, I find no conflict with LP Policies SP1, DM1, DM9 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

10. I note that a neighbour has raised concerns about the potential loss of natural light to occupiers within a neighbouring building. However, given the position and scale of the proposed dwelling combined with its degree of separation from the neighbouring building, the proposed development would not harm the living conditions of the neighbouring occupiers with regard to light or outlook.

Conditions

11. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
12. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. A condition requiring that the external materials comply with those identified within the appeal drawings is necessary in the interests of the character and appearance of the area. Likewise,

conditions related to the approval of hard and soft landscaping and a requirement for planting in the first planting and seeding seasons are necessary in the interests of the character and appearance of the area.

13. I have included the council's suggested conditions related to the provision of renewable or low-carbon sources of energy within the development and the provision of a single electric vehicle charging point. These are in the interests of ensuring energy efficient development and to promote low emission vehicles. I have also included a suggested condition requiring a scheme of biodiversity measures in order to enhance biodiversity on the site. A condition requiring the installation and retention of secure cycle storage is necessary to promote active travel.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development 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: 04795_NBD01; 04795_NBD02; 04795_NBD03 Rev C; 04795_NBD04 Rev C and 04795_NBD05.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 04795_NBD03 Rev C.
- 4) The development shall not commence above slab level until details of 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 dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the dwelling and maintained thereafter.
- 6) 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.

- 7) The development shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 5-year management plan. 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.
- 8) The development shall not commence above slab until a scheme of hard landscape works, including details of the surface materials for the car parking areas, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the approved dwelling and maintained as such thereafter.
- 9) The dwelling shall not be occupied until the cycle shed has been erected within the site in accordance with approved plan 04795_NBD04 Rev C. The cycle shed shall thereafter be kept available for the parking of bicycles.