



Appeal Decision

Site visit made on 5 October 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal Ref: APP/U2235/D/22/3303783

1 Mount Villas, Yalding Hill, Yalding ME18 6JJ

- 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 Peter Waring, against the decision of Maidstone Borough Council.
 - The application Ref 22/501044/FULL, dated 28 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is the creation of a new access to front, forming permeable block paved driveway for two cars, works to include excavation of ground to meet road level and erection of retaining wall.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development given in the heading above was changed from that given on the planning application form following agreement between the main parties. The address of the site is referred to as both Mount Villa and Mount Villas in the documents before me. However, the Ordnance Survey Plan and the Council's decision notice both indicate 'Villas', which I shall therefore use.

Main issues

3. The main issues in this appeal are:
 - The effect on the character and appearance of the locality and the streetscene.
 - The effect on highway safety.

Reasons

Character and appearance

4. The appeal concerns an end of terrace dwelling located within the settlement boundary of the village. There are terraces to either side of Mount Villas on the south-east side of Yalding Hill. The host terrace and King's Cottages are on top of a relatively tall and steep embankment largely covered in vegetation. Access is provided from Yalding Hill for pedestrians by means of steps.

5. The embankment is an attractive and distinctive natural feature that reflects a semi-rural character and contributes positively to the streetscene. The development would be cut into the embankment with the driveway surface comprising permeable block paving with a relatively gentle slope down to the road. There would also be a retaining wall at the rear of the parking spaces and broadly triangular wing walls to either side. The rear wall would have a height of 1.85m and be approximately 6m wide. This would provide a fairly large expanse of brickwork.
6. The Appellant indicates that matters such as the amount of block paving and height of the wall would be the minimum needed for a drive. It is also indicated that the wall would not project above the existing ground level. The walls would be constructed using bricks similar to those in the associated house.
7. However, despite these factors the embankment is characterised by an absence of frontage car parking, so that vehicles in this position would be a fairly eye catching and unusual presence. The excavated space, even if the minimum volume needed is taken out, would be abruptly at odds with the natural form and continuity of the embankment, with the ground surface and walls appearing unduly harsh and stark. As a result, the proposed development would appear visually obtrusive, unsightly and unsympathetic to its context.
8. The Appellant suggests that rather than brick, timber could be used to face the wall with plant containers hung from it. It is also indicated that, in time, ivy would cover the brickwork. However, this would not prevent factors such as the presence of parked cars, the hard ground surface and the creation of a void space arising from the removal of a significant part of the embankment. These considerations would not therefore prevent the development having a particularly adverse visual impact, as well as being seriously out of keeping with the character of the street.
9. Given the unusual nature of the development in its context and roadside position, I do not accept that motorists would necessarily be unaware of its presence. However, the harmful impact would be readily apparent to pedestrians in the fairly close views available from the footway on the other side of the road anyway.
10. For these reasons, it is concluded that the character and appearance of the locality and the streetscene would be harmed. Maidstone Borough Local Plan (LP) 2017, Policy DM 1 seeks to permit proposals that would create high quality design and comply with a number of criteria which must all be satisfied to avoid conflict. These include ii and v, which intend that proposals respond positively to the character of the area and to the location of the site, while respecting the topography and sensitively incorporating natural features. I recognise that embankments are not included within the list of such features given in the policy but this is clearly not meant to be exhaustive. Even with the minimum amount of excavation and if vernacular materials were used, the development would not reflect high quality design and clearly conflict with Policy DM 1 regardless of compliance with any of the other criteria.

Highway safety

11. The new parking spaces would have access directly onto Yalding Hill, which is classified as the B2010. There is no footway on this side of the road going past the appeal site where there is also a 30 miles per hour speed limit. The Council has expressed concern about the absence of any turning area and consequent reversing movements onto Yalding Hill. The Appellant indicates that this would be addressed by reversing off the carriageway rather than on to it.
12. However, this is not a matter that could be controlled and visitors or future occupiers of the dwelling may well reverse onto the carriageway. In any event, either reversing onto or off it would be an inherently unsafe manoeuvre onto a classified road where I saw that traffic was free flowing. The road slopes down from the north, which would make it less likely that motorists travelling southwards, passing closest to the appeal site, would be able to readily stop in the event of a vehicle manoeuvring in the carriageway.
13. It is usually significantly easier for drivers to control a vehicle moving forwards. It is also the case that vision looking out of the front windscreen tends to be considerably better, as there are generally blind spots to the rear which can make it difficult to see other vehicles and people. Drivers reversing from the road would tend to be focused on their path to the parking space rather than looking out for other cars, adding to the hazard.
14. Due to factors such as these, reversing onto or off Yalding Hill would result in an undue risk of collision with other vehicles and of causing accidents by distracting other motorists. The Appellant makes reference to poor visibility at The Mount and Cleaves House, as well as a general reference to other properties where reversing movements are said to occur. However, I do not have the full details and background to these cases to enable a meaningful comparison with the current proposal. I acknowledge the absence of any accidents on the road within the last 5 years but I am concerned that were the appeal to succeed this would not necessarily remain the case.
15. It is therefore concluded that the proposal would be harmful to highway safety regardless of acceptability in relation to matters such as visibility splays. The failure to safely accommodate the vehicular movement generated by the proposal would be contrary to LP Policy DM 1 ix. In relation to Policy DM 1 xiii, even if adequate in terms of the number of spaces proposed, the need to reverse means it would be inadequate in terms of safety. In any event, there would still be conflict with Policy DM 1 as a whole regarding both highway safety concerns and character and appearance matters.

Other considerations

16. The Appellant argues that a number of LP policies support the proposed development. However, Policy DM 2 is aimed at development providing new buildings. Policy DM 6 concerns development with the potential for having a negative impact on air quality by reason of matters such as their scale, nature and/or location. There is no evidence that the appeal scheme would have such a polluting impact. Policy DM 9 concerns residential extensions, conversions and redevelopment, none of which apply in relation to this proposal, which is for an engineering operation. Policy DM 23 concerns parking provision in relation to new development for residential and other uses. Moreover, appropriate provision would not be integrated given the safety objection.

17. The Appellant also refers to Paragraph 130 of the National Planning Policy Framework (The Framework) where it is indicated that decisions should ensure that developments satisfy a number of considerations. There would be clear conflict with a), b) and c), as the proposed development would not add to the overall quality of the area, as well as not being visually attractive and unsympathetic to local character. The change in this case under c) would not be appropriate for the reasons given above. In relation to e) the amount of development would not be appropriate and given the highway safety implications the local transport network would not be supported.
18. The Appellant suggests that the amenity of existing and future occupiers of the dwelling would be improved, in compliance with f) of Paragraph 130. The Appellant indicates that the only option for providing car parking at 1 Mount Villas is to the front of the property. I note that residents currently have to cross Yalding Hill on foot and that on-site parking would be more convenient and safer in this respect.
19. Nevertheless, this is a situation that appears to have existed for a significant period of time and the proposed development would unacceptably compromise the safety of drivers using the new parking spaces and other motorists travelling along Yalding Hill. In consequence, I take the view that the overall amenity of existing and future occupiers would be adversely affected, despite an additional pedestrian access and removing the need to walk past the adjacent dwelling. The proposal would therefore be in significant conflict with the Framework.
20. The Appellant raises concerns that no opportunity was given to explore alternatives with the Council. It is suggested that Paragraph 38 of the Framework which indicates that Local Planning Authorities should approach decisions in a positive and creative way and work proactively with Applicants has not been complied with. Nevertheless, this does not confer acceptability on the proposed development, which I must consider on its own planning merits.
21. I saw at my site visit that parking can be obtained nearby in Medway Avenue. However, the Appellant indicates that this has become more limited and is not always possible. It is also indicated that it has been possible to rent a nearby garage. However, this has raised concerns in relation to the garage being too small to accommodate a family car, as well as being blocked in by other vehicles parking in front of it.
22. However, despite the concerns of the Appellant, it is therefore clear that there are other parking options, even if they are not always entirely convenient and satisfactory. There is no information regarding the availability and suitability of garages elsewhere within the vicinity, including their dimensions. I acknowledge that the development would reduce parking pressure in Medway Avenue but only relatively modestly.
23. Although said to be rare, the Appellant points out that household vehicles have been vandalised when parked in Medway Avenue and it is asserted that the development would reduce the risk of this happening again and of theft. However, there is no evidence to corroborate the nature and extent of such problems, or any expert advice from, for example the Police, that might indicate whether and how the development would mitigate such issues.

24. I acknowledge the desire to install a home charging point serving two electric vehicles. However, there is no explanation why public charging points could not be used. Even if this could not reasonably be done, the contribution of a single household to reducing carbon emissions and improving local air quality would be relatively modest.

Conclusions

25. Given the above circumstances, I accord the other considerations relatively limited weight in support of the appeal. Moreover, to accept the development on this basis would be to do so at the unacceptable expense of the quality of the environment and highway safety. The harm arising would substantially outweigh other considerations. Given the above conclusions, the scheme is unacceptable even if other matters such as the issue of land stability could be suitably addressed.
26. For the above reasons and taking account of all other matters raised, it is determined that the appeal fails. In reaching this decision I have had particular regard to the personal safety of the Appellant and his family.

M Evans

INSPECTOR