



Appeal Decision

Site visit made on 8 November 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/U2235/W/22/3295457

23 Lewis Court Drive, Boughton Monchelsea, Maidstone, Kent ME17 4LQ

- 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 L Bennett against the decision of Maidstone Borough Council.
 - The application Ref 21/505604/FULL, dated 14 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the area;
 - living conditions of the occupants of No 25 Lewis Court Drive with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property is a semi-detached chalet style bungalow located within a residential estate. The row in which the appeal property lies is characterised by dwellings of a similar style with open fronted gardens and paved driveways. The common appearance of dwellings, similar spacing between buildings, staggered positioning and set back from the highway provides a sense of uniformity and symmetry which contributes to the character and appearance of the area.
4. The proposed development seeks to provide a first floor constructed above the existing garage. Although set back from the principal elevation of the host property, the front elevation of the upper floor would overhang the garage elevation below, supported on a post with an open-sided area beneath.
5. Given the chalet style and steep pitch, the roof of the host dwelling comprises more than two thirds of the total height of the front elevation. The proposed extension would result in a discordant ratio of roof to wall relative to the host property and the majority of dwellings nearby.
6. Furthermore, the roof would appear disproportionately small in relation to the overall extension and the excessive depth, shape and form of the proposal would exacerbate the disjointed and unrelated appearance of the proposed development. Accordingly, I find that the proposal would be an incongruous and visually obtrusive form of development.

7. The existing space between the appeal property and No 25 Lewis Court Drive (No 25), albeit enclosed at street level maintains the uniform spacing and symmetry of the row. The awkward and disjointed form of the proposal would disrupt the visual balance further compounding the harm to the character and appearance of the host dwelling and street scene.
8. My attention has been drawn by the appellant to existing extensions at No 33 and No 59 Lewis Court Drive. Whilst the design of the proposed extension would be similar to the extension at No 33, given the set back of this property from the road and its positioning, the extension does not appear as prominent or intrusive when viewed from the estate road as the proposal before me. Turning to No 59, the roof form of the side extension is distinctly different and better assimilates with the host property. It therefore does not compare to the appeal proposal.
9. Overall, I find that the proposed development would harm the character and appearance of the area. The proposal is therefore contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 (LP). Amongst other aspects, these policies seek to ensure that proposals are of a high quality design and respond positively to, and where possible enhance the character of the area. The proposal is also inconsistent with the design objectives of the Residential Extensions Supplementary Planning Document 2009 (SPD).

Living conditions

10. The proposed first floor extension would be constructed up to the boundary which separates the appeal property and No 25. A single storey extension features on the rear of the neighbouring property whilst a small patio area lies immediately adjacent to the shared boundary. Although the proposed development would not result in an unacceptable level of overshadowing, by reasons of its height and proximity, I find that the proposed extension would be overbearing when viewed from the garden area, particularly the rear patio area of No 25. The proposal would therefore harm the living conditions of the occupiers of No 25 with particular regard to outlook.
11. The proposed plans indicate that the first floor rear window would serve a bathroom. Were I minded to allow the appeal, I am satisfied that a suitable condition requiring the installation of obscure glazing would adequately mitigate any overlooking, such that there would be no harm to living conditions with regard to privacy.
12. Thus, I find that the appeal proposal would harm the living conditions of the occupants of No 25, with particular regard to outlook contrary to LP Policies DM1 and DM9. Collectively, and amongst other objectives these policies seek to secure high quality design which respects the amenities enjoyed by occupants of neighbouring properties. The proposal is also inconsistent with objectives of the SPD which, promote sympathetic design and layout which safeguards the amenities of adjoining properties

Conclusion

13. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR