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## 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: 27 January 2023**

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**Appeal Ref: APP/U2235/W/22/3292336**

**6 Beckworth Place, St. Andrews Road, Maidstone, ME16 9LS**

- 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 and Mrs William Romero against the decision of Maidstone Borough Council.
  - The application Ref 21/506258/FULL, dated 19 November 2021, was refused by notice dated 27 January 2022.
  - The development proposed is conversion of existing detached garage into Granny Annexe ancillary to the main dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of existing detached garage into Granny Annexe ancillary to the main dwelling at 6 Beckworth Place, St. Andrews Road, Maidstone, ME16 9LS in accordance with the terms of the application, Ref 21/506258/FULL, dated 19 November 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following plans;
    - 6 Beckworth Place – Plan Reference TQRQM21327155630106
    - 6 Beckworth Place Location Plan – Plan Reference TQRQM21327155903089
    - Plan Section and Elevations – Drawing No. MA/C/01
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
  - 4) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Beckworth Place.

### Preliminary Matters

2. The evidence before me indicates that internal works have been undertaken in connection with the proposal contrary to a condition that prohibits any development that would preclude vehicular access to the garage. Nevertheless, I have determined the appeal on the basis of the submitted drawings.

3. The planning application form includes a detailed description of the proposed works. Therefore, in the interests of clarity, I have used the description of development from the Council's decision notice as this succinctly and adequately describes the proposal.

### **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

5. The appeal site lies within a small cul-de-sac that includes semi-detached units together with a small terrace. The properties are of a similar design and scale and feature softly landscaped frontages beyond which lies the shared access road. Whilst the street scene is not uncommon of a development of this type, these characteristics provide for a pleasant character and appearance.
6. The appeal building comprises a detached, single bay garage located alongside the host dwelling, the footprint of which is set back from the principal building line. It is not therefore, a key contributing feature to the street scene. External alterations would include the insertion of a door and window on the front elevation together with an obscurely glazed window at the rear. Whilst it is acknowledged that neighbouring garages feature conventional garage doors, the overall proportions and style of the proposed openings would be in keeping with the host dwelling and neighbouring properties. Moreover, due to the inconspicuous location of the garage, the proposed works would not be unduly prominent. Accordingly, I do not find that the provision of the proposed openings would read as a discordant or visually obtrusive form of development.
7. The evidence before me indicates that the garage is not currently used for parking. Given the location of the appeal site at the end of the cul-de-sac and the existing parking provision, the parking of any additional cars would not be particularly intrusive in the street scene. Therefore, on this basis, the proposal would not result in the proliferation of vehicles in front of the dwelling house. In any case, I am advised by local residents that the Council has since granted planning permission for the conversion of the garage albeit of a different design. Therefore, in allowing this appeal, there would be no difference to the permitted situation.
8. For the reasons outlined above, I find that the proposed development would not harm the character and appearance of the surrounding area. The proposal therefore accords with Policy DM1 of the Maidstone Borough Local Plan 2017 which, amongst other aspects, seeks to ensure that development proposals respond positively to, and where possible enhance the character of the area.

### **Other Matters**

9. Issues concerning the future use of the accommodation, impact on living conditions and parking have been drawn to my attention together with evidence of some general disputes between the parties. These matters are largely identified and considered within the Council's committee reports, and it is noted that the Council did not consider these were reasons to refuse the application.

10. Whilst there are direct views from the appeal site across the cul-de-sac, the intervening distance would preserve suitable living conditions. Furthermore, the Council's committee reports confirms that 2 parking spaces are available, when only 1.5 is required. The proposal would therefore not adversely affect parking provision at the appeal site. For these reasons and given that I have not been provided with any substantive evidence which would prompt me to disagree with the Council's conclusions on these matters, they do not weigh against the proposal.
11. It has been put to me by a third party that allowing the appeal would undermine the credibility of the planning process given that a revised scheme omitting the contentious parts of the proposal has been consented by the Council. Nevertheless, the appellants have a right to appeal whilst I am obliged to consider the proposal in accordance with the development plan and all relevant material considerations. The existence of an acceptable alternative scheme is not a reason to withhold permission for this proposal, which I have found equally acceptable.

### **Conditions**

12. 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 in the interests of certainty. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. In order to prevent the establishment of a separate residential unit, I have imposed a condition limiting the use of the accommodation to purposes ancillary to 6 Beckworth Place. In the interests of clarity and consistency, and to ensure compliance with the National Planning Policy Framework and Planning Practice Guidance, I have made some amendments to the Council's suggested conditions.

### **Conclusion**

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

*H Wilkinson*

INSPECTOR