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# Appeal Decision

Site visit made on 24 January 2023

**by C Hall BSc MPhil MRTPI**

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

**Decision date: 13 February 2023**

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**Appeal Ref: APP/U2235/W/22/3303544**

**The Haven and Fairview, Yeoman Lane, Bearsted ME14 4DL**

- 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 James and Sheila Brumer and Murphy against the decision of Maidstone Borough Council.
  - The application ref. 21/506499/FULL, dated 14 December 2021, was refused by notice dated 9 February 2022.
  - The development proposed is for alterations to existing front wall, as well as relocation of cast iron railings and gates in order to provide 2no. parking spaces with electric charging points.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues are the effect of the proposal on:
  - the character and appearance of the surrounding area, including the Bearsted Green Conservation Area (CA);
  - highway safety; and
  - parking provision.

## Reasons

### *Character and appearance*

3. The appeal site consists of a semi-detached pair of 2-storey dwellings on Bearsted Green in an area of residential character. The front boundary comprises an attractive ragstone wall that extends across most of the site frontage. Pedestrian access to each dwelling is provided through entrances towards either end, with steps up towards the front doors.
  4. Being situated in the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
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5. The special architectural and historic interest of the CA derives from the Green itself, which is the dominant defining characteristic of Bearsted Conservation Area. The original medieval layout of the village is still readily discernible and consists of dense linear development along The Street to the north side of the Green, with more scattered and sporadic development, often of more prestigious properties in substantial grounds, around the other three sides.
6. The Bearsted Conservation Areas Appraisal (BCCA) notes that, "there are a variety of boundary treatments within the conservation area. Many of these are attractive and appropriate and include hedges, ragstone walls, red or yellow brick walls, picket fences, iron paling fences, iron hoop-top railings and decorative cast iron railings."
7. The existing front boundary to The Haven and Fairview provides a sense of enclosure between the public domain and private areas, and reflects the historic layout of the properties within the context of the CA. Also bearing in mind the comments within the BCCA, I am of the view that the loss of sections of the front boundary wall that currently enclose the appeal site would be harmful to the street scene. They would disrupt the length of boundary treatment by introducing gaps and paved parking areas, which would appear as harsh and intrusive features in comparison to the existing arrangement.
8. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the CA. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Conservation Area, importance and weight must be attached to the harm identified. I appreciate that the proposal would ensure the cast iron gates would be prominently displayed, all sections of railing would be reinstated and electric charging points would be installed to reduce climate impacts, but such benefits do not outweigh the harm.
9. I consider that the proposal would result in harm to the character and appearance of the existing dwelling and the local area. It would be contrary to It would be contrary to Policies SP18, DM1 and DM4 of the Maidstone Borough Local Plan October 2017 (LP), the BCCA and the Council's Residential Extensions Guidelines Supplementary Planning Document (2009), which cumulatively seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

#### *Highway safety*

10. I observed that the road outside the appeal site is narrow with on-street parking bays. Along much of this stretch of Yeoman Lane visibility is significantly restricted due to vehicles using the bays, many of which were occupied during my site visit. Within the appeal sites themselves, visibility would also be severely limited due to the height of the new retaining walls that would be laid out in the front gardens to either side of the parking spaces.
11. Given the overall size of the available space on the appeal site frontages, it is clear that a vehicle could not manoeuvre within each of the proposed

driveways, and as such would need to either reverse into or out of the areas. The lack of turning facilities on site would mean when reversing into the drives vehicles would need to slow, stop and turn off the narrow road in reverse gear. This would be detrimental to the free flow of traffic along the road, and cause inconvenience to other drivers and pedestrians. Conversely, reversing out of the spaces onto Yeoman Lane would be hazardous to other highway users already driving along the thoroughfare, and pedestrians using the footway.

12. I note the collision information provided by the appellants, which does not appear to be disputed by the Council. Nonetheless, to my mind the proposal would give rise to an increase in potentially dangerous manoeuvres onto this section of Yeoman Lane, which would be prejudicial to highway conditions and increase the likelihood of conflict between drivers and pedestrians. The visibility splay diagrams provided in the grounds of appeal show that a vehicle reversing from Fairview in a northeasterly direction would have to pull out across the junction with The Green, thus engaging with vehicles using this additional section of the local network, which is highly undesirable and would further increase the potential for incidents. Therefore, even in the absence of any recorded accidents, I consider that the proposal would not be in the best interests of highway safety and efficiency in the area.
13. I am aware that there are other driveways in the vicinity to allow off-street parking. However, the presence of other accesses would be neutral considerations in any balance against planning harm; I have determined this appeal on its merits and this matter does not outweigh the harm I have identified above.
14. I conclude that the scheme would result in harm to highway safety. It would be contrary to Policy DM1 of the LP which, amongst other things, seeks safe vehicular and pedestrian access to avoid unacceptable impacts on highway safety.

#### *Parking provision*

15. Whilst the appeal scheme would result in a loss of two on-street parking spaces, two off-street spaces would be provided on the new driveways and as such overall there would be no net loss of parking in the area.
16. Although the Council is concerned about the provision of public parking in Bearsted, I have not been provided with any robust evidence to indicate that the settlement suffers from undue parking stress. I observed that there are parking bays for public use in close proximity to the appeal site on The Green, and local businesses such as the nearby public house and those sited at the Ware Street/Thurnham Lane junction have their own car parking facilities.
17. On balance, I find that there is no compelling case to prove that the appeal scheme would have an adverse effect on parking provision. Consequently, the proposal would meet the requirements of Policy DM1 of the LP.

#### *Other Matter*

18. In considering the appeal proposal, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a

protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.

19. The development would allow for improved access for one of the appellants, who has a disability. However, this must be balanced against the harm to the character and appearance and highway safety identified. Therefore, whilst I sympathise with the personal circumstances outlined, I conclude that these are not matters which outweigh the significant harm that would be caused by the proposal.

### **Conclusion**

20. Given my reasoning and taking into account all matters raised, the appeal is dismissed.

*C Hall*

INSPECTOR