



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: 14 February 2023

Appeal Ref: APP/U2235/W/22/3301248 539 Loose Road, Maidstone ME15 9UQ

- 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 Darren Wallond against the decision of Maidstone Borough Council.
 - The application ref. 21/506580/FULL, dated 29 November 2021, was refused by notice dated 24 February 2022.
 - The development proposed is for the demolition of existing office block and erection of a new 3-storey building containing 7x 1-bed 2-person flats, with associated parking, amenity, cycle storage and waste storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the future health and longevity of adjacent trees; and
 - the living conditions of future occupants of the development with regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a two-storey building with a flat roof and an open parking area in a backland setting, accessed by a driveway from Loose Road. To the front of the land is a three-storey block of flats. The surroundings are predominantly residential in character with properties that are a mixture of sizes and designs, with differences in materials, windows and other detailing.
4. The appeal proposal would be clearly visible from Loose Road along the access drive. Although it would be set back from the public highway, I do not consider that the new block of flats would be sympathetic to local character. The proposed building would be of substantial mass, bulk and height, resulting in a dominant and cramped form of development that would be at odds with the more modest proportions of the many of the existing residential buildings in the neighbourhood.

5. I am aware that the Loose Road Area Supplementary Planning Document December 2008 (SPD) describes the frontage building and access road as "intrusive". I also acknowledge the presence of the existing office block, that Councils should not seek to impose their own design criteria without justification, and new development need not be of an identical scale and appearance to its surroundings or the pattern of development and character of the area.
6. However, the proposed street scene plan shows that the scheme would be of similar height to the building at the front. It would compete with this structure, tower over the semi-detached units at 535 -537 Loose Road, and lack subservience in a backland setting where arguably a more sensitive approach would be required.
7. I acknowledge those other matters that have been advanced in support of the development; the proposal would result in the development of a site in an accessible location within close proximity to local facilities, public transport and infrastructure, there would be a contribution to housing supply and there would be no harm to the living conditions of adjacent properties. However, none of these points could justify the harm I have identified above.
8. I conclude on this matter that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policies SP1, DM1 and DM5 of the Maidstone Borough Local Plan October 2017 (LP), Policies SD2, SD5 and HD2 of the North Loose Neighbourhood Plan 2015-2031 (NP) and the SPD. Collectively these 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.

Trees

9. A number of mature trees lie within adjacent curtilages along on the eastern boundary of the appeal site, at the end of the rear gardens of properties in Berwyn Grove. Many can be glimpsed along the access drive, and T9 and T10 (as denoted on the appellant's Tree Constraints Plan) are particularly prominent in views from Loose Road over the existing flat roof building, making a positive contribution to the character and appearance of the surrounding area. Whilst not the subject of a Tree Preservation Order, there is no evidence before me to suggest that many of the specimens are neither in good health nor have the potential to survive in a pleasing condition for years to come.
10. I share the Council's concerns in this respect; the impact assessment states that there will be building conflicts with radial root protection areas and from overhanging branches from the tree canopies, and overall the proposal may result in increased pressure to remove or prune the retained trees. In the absence of any further robust evidence to address these matters, I am minded to take a precautionary approach to this issue. Given the sensitivity of roots to change and the importance of the trees to the character and appearance of the area, I am not convinced that the proposal would not have damaging consequential effects on their longer-term health.
11. The development would therefore adversely affect the future health and longevity of adjacent trees. This would contravene Policies DM1 and DM3 of the LP, Policy SD5 of the NP and the SPD, which state that development should seek to protect and retain trees that provide a valuable contribution to local

character. It would also be inconsistent with the advice in the National Planning Policy Framework which seeks to conserve and enhance the natural environment.

Living conditions

12. The oriel windows are shown to contain a clear glazed opening facing south west and a solid panel looking north west. They have been designed such that the clear section would be the larger of the two; I am satisfied that this arrangement would provide for adequate outlook for the bedrooms and living areas within each of the upper floor units.
13. Conversely, the east-facing openings serving the kitchen areas and home offices are shown to use obscure glazed lower casements, which would provide for a limited outlook and result in an oppressive internal environment for future occupants using these parts of the accommodation. I recognise that no objections have been raised in respect of the floorspace of each of the units and the size of the rooms, however this does not counterbalance the harm that would arise due to the restricted outlook from the east-facing windows.
14. As such, the scheme would be detrimental to the living conditions of future occupants of the development with regard to outlook. This would fail Policy DM1 of the LP and Policy SD5 of the NP in relation to the provision of adequate residential amenities for future occupiers. It would also be inconsistent with the advice in the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Conclusion

15. Given my reasoning and accounting for all matters raised, the appeal is dismissed.

C Hall

INSPECTOR