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# Appeal Decision

Site visit made on 15 February 2023

**Decision by Chris Preston BA(Hons) BPI MRTPI**

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

**Decision date: 27 March 2023**

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**Appeal Ref: APP/U2235/D/22/3297781**

**11 Forest Hill, Tovil, Maidstone ME15 6UX**

- 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 Bamidele Adebajo & Mrs Taiwo Adebajo against the decision of Maidstone Borough Council.
  - The application Ref 21/506640/FULL, dated 02 December 2021, was refused by notice dated 14 March 2022.
  - The development proposed is a proposed two-storey side and single storey rear extension, including insertion of rooflights.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. In its decision notice the Council used an altered description of the proposed development from that given on the application form. There is no indication that this change was agreed with the appellant. However, given that the altered description more accurately describes what is proposed I have used that description within my decision.

## Main Issue

3. The main issue in the determination of the appeal is the effect on the living conditions of residents of 11a Forest Hill, with particular regard to whether the development would have an overbearing impact and lead to a loss of outlook.

## Reasons

4. Forest Hill is a suburban residential road on a substantial incline. The dwellings generally front onto the road and there is a notable step upwards in height between properties, reflective of the contours of the land. For the most part, the dwellings sit side to side with one another, with primary windows to the front and rear, such that the higher dwelling does not impose on the outlook of its lower neighbour.
5. However, that situation is not the case in this instance because the side elevation of the appeal property faces directly onto the rear windows and garden of No.11a due to the fact that the neighbouring dwelling is orientated to face Saltwood Road. No.11a sits much lower down the hillside. The garden retaining wall and associated fencing which separates the two properties is already substantial in height and creates a sense of enclosure to the rear of No.11a. However, the side wall of the dwelling is currently set in from the boundary which helps to reduce the visual impact when viewed from below.

6. The proposed two-storey side extension would substantially erode that sense of separation by projecting up to the shared boundary between the two dwellings, running immediately to the rear of the existing fence and wall. The result would be a largely blank two-storey elevation which would tower above the rear garden and rear facing windows of the neighbouring dwelling on account of its height and the considerable difference in the level of the land. As noted, the rear garden of No.11a already has an enclosed feel and the resultant bulk and proximity of the flank wall would have a significant and overbearing impact when viewed from the garden and rear windows. The outlook from within the dwelling would also be impaired due to the limited separation distance to the extended property.
7. Overall, I find that the proposal would have a very harmful effect on the living conditions of neighbouring residents as a result of its overbearing impact and that loss of outlook. For those reasons, the proposal is contrary to the aims of policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) which, amongst other things, require that new development respects the amenities of neighbouring residents having regard to visual intrusion and that a pleasant outlook is maintained for adjacent occupiers.
8. The Council has not opposed the proposal on design grounds and I recognise that the extension reflects the character of the existing property. Nonetheless, that does not negate the need to take account of the impact on the living conditions of neighbouring residents or outweigh the harm that I have found in that regard. For the reasons given the proposal is contrary to the relevant policies of the development plan and there is nothing to indicate that a decision should be taken other than in accordance with the Development Plan. Accordingly, I shall dismiss the appeal.

*Chris Preston*

INSPECTOR