



Appeal Decision

Site visit made on 11 April 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/U2235/D/23/3315382

15 Waren Close, Maidstone, Kent ME16 0JL

- 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 Ms Holly Fillingham against the decision of Maidstone Borough Council.
 - The application Ref 22/505539/FULL, dated 21 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is a single storey rear extension and first floor extension on part of existing single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue are: the effect of the development on the character and appearance of the area; and the effect on the living standards of the occupiers of the adjoining residential property No 13A Warden Close

Reasons

Character and appearance

3. The appeal property comprises a detached two storey house located on the north west side of the corner of Warden Close at a point where it turns through 90 degrees. It has a steeply pitched roof and has been extended in the past with two single storey extensions on its south western side, both of which also have pitched roofs. Beyond the extensions is a bungalow, No 13A Warden Close, which is set back from the appeal property and at an angle to it. The character of the Close is mixed, with bungalows on the south west side, but elsewhere two storey houses including adjoining the appeal property on its north east side.
4. The Council is concerned that the proposed first floor side extension would fail to provide a successful visual transition from the two storey form of properties which includes the appeal property and its neighbours to the north east, compared to the row of bungalows to the south. However, I note that the ridge of the first floor extension is set down from the main ridge and that a single storey extension would remain beyond that up to the boundary with No 13A. In that context the gradual stepping down of the roofs towards No 13A would soften the relationship between the two buildings and provide an

acceptable transition. I also note that the properties turn through 90 degrees at this point, with the bungalows to the south on a broad south east/north west alignment, and the two storey properties to the east on a broad northeast/southwest alignment. Visually therefore they do not read in the same context and indeed because it is set back, No 13A is not even visible until the corner of the Close is reached.

5. A combination of these factors, plus the fact that the Close is of mixed character anyway with bungalows and houses of differing designs, leads me to find that the impact of the built form in the street scene would be acceptable and that there would be no harm to the character and appearance of the area. This element of the proposal would therefore comply with criteria within Policies DM1 and DM9 of the Maidstone Local Plan 2017 (LP) in that its scale, height, form and appearance would respond positively to local character.

Living Conditions

6. With regard to the impact upon No 13A, the appellant argues that there would be minimal change to the outlook on the street scene from that property, and only 23 degrees loss of visibility in elevational terms from the direct impact of the first floor side extension. At my site visit, I took the opportunity to inspect the proposed relationship from within the front garden of No 13A. That property has a combined kitchen/lounge window facing the front which is alongside its front door and hard surfaced front driveway. At present, there is some impact from the roof of the two ground floor side extensions because No 13A is set at a lower level than the appeal property and back from its front elevation as previously mentioned. However, the impact of the first floor side extension of 8 metres in height because of its large hipped roof above, would be dominating and overbearing when viewed from No 13A, despite the intervening small ground floor extension that would remain. Whilst it would not significantly affect the outlook to the street scene which is already restricted, it would have the effect of significantly enclosing the outlook from the front of the property and its kitchen/lounge, to such an extent that I consider would amount to harm to the living conditions of the occupiers of that property. In that respect, I note that one of the objectives of Policy DM9 of the LP is that development should maintain and safeguard the pleasant outlook of adjoining residents. That would not be the case here.
7. In support of arguing that any potential impact would be acceptable, the appellant has drawn comparison with an approved first floor side extension at No 25 Warden Close at the end of the Closeⁱ where it is argued the same relationship would exist between the extended house and adjoining bungalow. That extension has yet to be built but at my site visit, I was able to closely inspect the relationship. Although similar, the detailed designs of both the houses and bungalows are subtly different, together with the alignments in relation to each other. In such circumstances, the acceptability or otherwise of extensions in close proximity, depend very much upon individual circumstances and a host of site factors such as ground levels, detailed design and alignment of footprints. Hence each proposal has to be considered on its individual merits. For these reasons I do not consider the extension approved at No 25 alters my findings above in the context of the specific circumstances of this case.

8. For the above reasons, this element of the proposal is contrary to Policy DM1 and DM9 of the LP and guidance in the Council's Residential Extensions SPD 2009 (SPD), in that it would not respect the amenities of the neighbouring occupiers at No 13A Warden Close, nor maintain an acceptable outlook from that property.

Other Matters

9. The proposal involves a single storey infill extension and raised patio at the rear, which the Council raises no objections to in terms of any impact upon the adjoining property No 17 Warden Close. Having considered that matter I see no reason to reach a different view.
10. I also note that objections were raised on the grounds of overlooking and loss of privacy from occupiers of residential properties to the rear in Langdale Rise. The Council's officer report is silent on the matter but I note that there is no reference to any harm arising in the reasons for refusal. Again, having considered the matter at my site visit, and noting the separation distances between the two sets of properties, including the long rear garden of the appeal property, together with boundary vegetation, I am satisfied that the relationship would be acceptable.

Conclusion

11. Notwithstanding that I have found some elements of the proposal to be acceptable, there would be harm to the living conditions of the occupiers of no 13A Warden Close for the reasons set out above and conflict with Development Plan policy.
12. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR

ⁱ Application reference 21/502572/FULL