



Appeal Decision

Site visit made on 15 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/U2235/W/23/3317788

353, 353A, 355 & 355A Willington Street, Maidstone, Kent, ME15 8HL

- 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 Keene against the decision of Maidstone Borough Council.
 - The application Ref 22/504892/FULL, dated 25 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the extension of existing building comprising 4 no flats to create 6no flats and 1no houses.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Willington Street is a vehicular route that connects the A20 with the A274 and also provides access to the adjoining built-up area. In the broad vicinity of the appeal site, the area is predominantly residential. In particular, this section of the main road and the surrounding streets are characterised by semi-detached houses and rows of dwellings with usually some reasonably noticeable spacing between the blocks of buildings. These spaces between buildings provides some relief to the built form and are a positive feature of the area.
4. This spacing between blocks of buildings is complemented by other spaces and landscaping. In the vicinity of the appeal site this includes, on the other side of the road, the grassed area with some mature trees that projects up to and runs in front of Willington Green and the grassed, open gardens in front of the properties on the southern corner with Cheshire Road.
5. The appeal properties consists of four flats, although they have the appearance of two semi-detached houses. They occupy a prominent position at the corner of Willington Street with Spencer Way. The buildings themselves are reasonably neutral in appearance, having a similar bulk and form to other semi-detached buildings locally. Nevertheless, 355 Willington Street has some space to the side next to No 357 and the frontage and side garden area to No 353 provides an open aspect at the entrance to Spencer Way. In this way, the appeal site makes its contribution to the character and appearance of the area.

6. The scheme would add a new dwelling to the side of No 355 and two flats to the side of No 353. The top floor of the existing flats would be extended into the roof space.
7. The design of the development, in itself, would be acceptable. While the front gables are not generally typical of the area, there are some examples, such as with 347 Willington Street on the other side of Spencer Way, and the end gable of 282 Willington Street that fronts Cheshire Road. Given that there is some mix to the appearance of the properties in the area, the gable design and arrangement of windows would not look out of place.
8. However, the provision of the dwelling to the side of No 355, with the resulting reduction in the gap between buildings¹, would not maintain the general spacing between buildings in this area. The extent of additional development in this space would result in the new dwelling appearing cramped when the site was viewed from the immediate street area and especially when approaching along Cheshire Road, where this additional dwelling would be in the line of sight.
9. At the other end of the building, the two additional flats proposed to the side of No 353 would extend built development, at two story height, closer to Spencer Way. This addition would materially erode the space to the side of the existing building that contributes positively to the open areas around the junction. Furthermore, when approaching the site along parts of Spencer Way, the rear of the two flats would project out from the line of semi-detached properties on the southern side of Spencer Way. In these angled views within Spencer Way this section of the development would appear overly dominant and introduce a somewhat awkward arrangement into this street scene compared with the existing layout of buildings. The overall effect of this part of the scheme would be that the open aspect provided to the side of No 353 would be reduced such that the positive contribution that the space presently makes to the area would be unacceptably diminished. As a result, the section of the development adjoining the side road would be experienced as an unsympathetic addition to the street scene around this junction and within Spencer Way.
10. The provision of the landscaping in front of this building would help to soften the appearance of the development. However, this would be to a minor extent because the open space that would be available for landscaping would be quite modest. Trees and landscaping of an appropriate height could be agreed, but the area that would remain for landscaping would provide only a limited level of mitigation to offset the harm from the additional built form.
11. Indeed, a fairly large section of the frontage area would be used to provide car parking for the residential units. This area would be a quite dominant feature with spaces close to the boundaries with No 357, the new building and the road, and with little opportunity for landscaping in this area. The prominence and arrangement of car parking projecting across this extent of the frontage would add to the impression that the scheme would be an overly intensive use of the site. Furthermore, the layout shows that a vehicle would be parked and need to manoeuvre fairly close to some ground floor windows, and a car parking space would be close to the front of the gable of the new dwelling such that a vehicle using this space could hinder easy access to the side of this new

¹ I have taken into account that 357 Willington Street has been extended and is built close to this side boundary.

property. These factors add to the conclusion that the scheme would be cramped to the detriment of the character of the area.

12. There are other dwellings in the area with their frontages entirely laid to hard surfacing and used for vehicle parking. However, their presence and the resulting effect on the character of the area does not persuade me that the appeal layout should provide parking in the way proposed which would result in the identified harm to the character and appearance of the area.
13. Drawing all these matters together, I conclude that the erosion of spaces around this existing building would combine to produce an unduly cramped development that would harmfully detract from the positive qualities that form part of the character and appearance of the area. This would be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan (adopted 2017) which seek, amongst other things, to create high quality design that responds positively to, and where possible enhances, the local character of the area.
14. Accordingly, the scheme would also conflict with the National Planning Policy Framework (the Framework) requirement that development add to the overall quality of the area and be sympathetic to local character.

Conclusion

15. In terms of the benefits of the scheme, the development would provide a small boost to housing supply on a windfall site, making effective use of the land. This would also align with the approach in the emerging Local Plan although given the stage of preparation, the emerging Local Plan can only be afforded limited weight.
16. There would be economic and social benefits to the area during construction and in subsequent occupation. The additional and improved units of accommodation would be provided in a location within the settlement area and would allow occupants good access to services and facilities by means other than the private vehicle. However, as only three additional units of accommodation would be provided, I attribute the combined benefits of the scheme limited weight.
17. On the other hand, the scheme would harm the character and appearance of the area and would conflict with the related policies of the Local Plan. I attribute this moderate to significant weight against the scheme, given the scale of the development and the localised nature of the harm. Nevertheless, the harm and policy conflict is such that the scheme would conflict with the development plan when considered as a whole.
18. The appellant in the original planning statement says that the Council is unable to demonstrate a five year supply of housing land. The Council has not commented on this matter to provide alternative data nor provided a statement at this appeal. On the basis of the information before me, it appears that the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. However, in this case the harm that would result from the development is to the character and appearance of the area and the principle of the development

within the settlement area is not in dispute. The development plan policies that would be failed in this case are Framework compliant and the conflict with these policies should be afforded full weight. In the circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development, and this weighs heavily against the scheme.

20. Accordingly, the harm and policy conflicts would not be outweighed by the benefits of the scheme. For the reasons set out above, the scheme would not comply with the development plan and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR