



Appeal Decision

Site visit made on 16 August 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/U2235/W/23/3315553

Weald Cottage, Maidstone Road, Staplehurst, Kent TN12 0RE

- 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 C Birkby against the decision of Maidstone Borough Council.
 - The application Ref 22/500732/FULL, dated 14 February 2022, was refused by notice dated 28 July 2022.
 - The development proposed is a replacement dwelling and garage and the demolition of the existing dwelling and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Drawing numbers RA1529/REV C/04 and RA1529/REV C/05 were superseded and amended drawing numbers RA1529/REV D/04 and RA1529/REV D/05 were submitted during the Council's consideration of the application. The revised plans show changes to the location of the proposed garage further from the boundaries and a hipped rather than a gable ended garage roof. I have limited evidence of consultation on the revised plans, but the modifications are minor, and my consideration of them would not cause prejudice to interested parties. Therefore, I have determined the appeal on the basis of the revised plans.
3. I note that there has been a subsequent planning permission (Ref 23/500404/FULL) for a replacement dwelling on the site, including a second access. The appellant indicates that the new access point would conflict with the location of the proposed garage, will not be implemented until the determination of this appeal, and, if this appeal were to be allowed, permission would be sought to alter its location. I have determined the appeal on the basis of the plans before me.

Main Issue

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

Reasons

5. The appeal site comprises a dwelling within a large plot with a hedge and trees separating it from Maidstone Road (A229). There is a small timber garage to the side of the existing property, with some sheds behind. The site is in the countryside where there is a ribbon of residential development alongside this side of the road but is not affected by heritage or landscape designations. The

different styles of houses are largely set back from the road, most of which have driveways and parking areas in front.

6. The proposed development would include a garage building with a footprint of around 86sqm to provide a single space for cars and storage, avoiding the need for multiple outbuildings. It would be located between the proposed house and Maidstone Road close to the mutual boundary with Abbotsdene. Existing materials would be reused where possible, the design would match the dwelling, and the roof would have a low profile and pitch. However, the position of the structure together with its size and height would result in a bulky development in a prominent position at the front of the site.
7. The introduction of a large outbuilding forward of the proposed dwelling and at right angles to it would not reflect the pattern of development where road facing houses are the predominant built feature in views from Maidstone Road. There are references to several examples of garages sited forward of existing buildings in the vicinity, but these are set back some distance from the road, relatively small scale and/or integrated within the development. They are not a common feature in the locality and their position and size are not comparable to the appeal proposal. There is also reference to a residential development allowed on appeal on land adjacent to West View, but there is limited information on how this would relate to the current proposal.
8. The garage would be located behind the tall trees and hedge alongside the A229 and there are also some tall trees along the north boundary within the grounds of Abbotsdene. Much of this planting is outside the site boundary and would not all be capable of being controlled in the future. The vegetation could be removed, become damaged or diseased and would only provide screening in the spring and summer months when there would still be glimpses of the outbuilding through it from parts of Maidstone Road. As there is no certainty on adequate screening of the proposed garage and given its scale and position close to the A229, the structure would appear incongruous in views from the road.
9. The existing garage and sheds would be removed, but these have a considerably smaller footprint and are in a different position to the proposed garage, so they do not justify the scale and location of the proposed structure.
10. The Council does not raise objections to the proposed house. As this would be set back a similar distance from the road than the existing house and be of a size and design which would be appropriate in this locality, I agree with the Council that it would not harm the character and appearance of the area.
11. Overall, I conclude that the development would harm the character and appearance of the area. This would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017 and Policy PW2 of the Staplehurst Neighbourhood Plan 2016. Together, these require proposals to address their visual setting, not harm the character and appearance of the area including in relation to their siting, mass, and scale, and be unobtrusively located. It would also conflict with the National Planning Policy Framework (the Framework) where it states that development should be sympathetic to local character.

Other Matters

12. I appreciate that the proposed development has some support, and the garage would include the provision of an electric vehicle charging point, but these matters do not alter the harm I have found in relation to the character and appearance of the area.

Conclusion

13. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright BSc (Hons) MRTPI

INSPECTOR