



Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/U2235/W/23/3320491

26 Douglas Road, Maidstone, Kent ME16 8ER

- 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 Mrs J Garner against the decision of Maidstone Borough Council.
 - The application Ref 22/504135/FULL, dated 22 August 2022, was refused by notice dated 20 October 2022.
 - The proposed development is for a new detached dwelling with associated parking, residential amenity space and landscaping, within an otherwise built up frontage within Douglas Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development having regard to:
 - the living conditions of the occupants of 26 Douglas Road in respect of light and outlook; and
 - the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site consists of land to the side of 26 Douglas Road, a two-storey, semi-detached house with off-street parking on the driveway to the front. The two-storey side elevation of the building contains four large windows. I have before me the internal layout of the property, and this demonstrates that the openings serve a lounge and dining area and study on the ground floor, and two bedrooms at first floor level.
4. On the ground floor plan I can see that there is another window in the front elevation that provides outlook from the lounge/diner. The study is a secondary room, with an existing view out towards the side walls of the detached garage and summer house. In this context, I consider that the proposal would not appreciably affect the outlook from the ground floor flank windows above and over that which is presently experienced.

5. The first floor side bedroom windows currently benefit from views in a broadly easterly direction along Douglas Road and towards the rear garden scene of nearby residences. Whilst I observed that there were net curtains over the glazing, the windows would appear to be the sole source of outlook from the bedrooms, which are deemed to be habitable areas. Due to the height and close proximity of the appeal proposal relative to the windows, the views would be impeded by a blank side wall and roof approximately 1 metre away. This would result in an oppressive environment for the occupants of the rooms, materially worse than the existing situation, and would have a harmful impact upon their living conditions.
6. In order to consider the effect of the proposed development on shading at 26 Douglas Road, a Vertical Sky Component Assessment has been provided as part of the appeal papers. The evidence demonstrates that the appeal scheme will have no significant loss of light to the first floor side windows of the adjacent dwelling. At ground floor level there would be a greater impact, however I note the fact that the living/dining area has an alternative source of light from the south-facing front window. Light reaching the study window would be significantly reduced, however as this is a secondary room with borrowed light from internal glazed panels I am satisfied that this would not warrant a refusal of planning permission on this ground alone.
7. Although the proposal would not result in harm to the living conditions of the occupants of 26 Douglas Road in respect of light, the scheme would cause a loss of outlook. This would fail Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan 2017 (LP), which require that new development does not harm the amenity of occupiers of nearby properties. It would also be inconsistent with the National Planning Policy Framework (the Framework), which seeks to secure safe and healthy living conditions.

Character and appearance

8. There is a school nearby to the appeal site, but otherwise the local neighbourhood is predominantly residential in nature. There is no prevailing architectural style; Douglas Road is characterised by dwellings of various size, design and detailing.
9. The new dwelling would introduce a distinctly modern addition to the streetscene, with an angular, asymmetrical roof design, and the use of various materials to the elevations. The height of the development would be similar to those properties to either side. I note the Council's comments in this respect, however I am aware that the site is not located in a conservation area and there is no indication that there are any listed buildings nearby. Overall, I have no compelling evidence to suggest that there is a particular local distinctiveness that warrants protection.
10. Bearing this in mind, whilst the contemporary approach would appear different to other houses in the area, to my mind this is not in itself a reason to resist the proposal. Paragraph 130 of the National Planning Policy Framework states that decisions should not prevent or discourage appropriate innovation or change. In the absence of any particular heritage or design constraints, and given the multifaceted context of surrounding development, I consider that the scheme would be acceptable.
11. I am therefore of the view that the proposal would not result in harm to the character and appearance of the dwelling or the surrounding area. It would

accord with Policies DM1, DM9 and DM11 of the LP which together seek to secure new development of acceptable scale and appearance. It would also be consistent with the Framework, which states that good design is a key aspect of sustainable development.

Conclusion

12. Given the arguments above and all issues advanced, the appeal is dismissed.

C Hall

INSPECTOR