



Appeal Decision

Site visit made on 5 September 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/U2235/W/23/3317048

School House, Ashford Road, Harrietsham, Kent ME17 1AJ

- 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 Michael Montila and Mr Antony Lee against the decision of Maidstone Borough Council.
 - The application Ref 22/502176/FULL, dated 29 April 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the erection of three dwellings (resubmission of 21/504810/FULL).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Michael Montila and Mr Antony Lee against Maidstone Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellants submitted amended plans dated Oct 22 to the Council, but these were not made public, and the Council determined the application on the basis of the original plans dated Apr 22. The amended plans show significant changes to the proposed roofs. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. Accordingly, I find that to consider such a modification could cause prejudice to interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, my decision on the appeal is based only on the originally submitted drawings dated Apr 22.
4. A previous proposal for four dwellings on the site which was refused planning permission (planning application ref 21/504810/FULL) is referred to in the plans and documents, but I must determine the proposal on its merits on the basis of the plans before me.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and area; and

- the living conditions of the occupiers of Bellevue, with particular regard to outlook.

Reasons

Character and appearance

6. The site lies to the north of the A20 Ashford Road within a primarily residential area in the settlement of Harrietsham. It comprises the shell of a former school house, a large two storey brick structure which is set back from the road. There are various plot and building sizes on this side of the road, with a bungalow "Bellevue" and a two-storey dwelling at 2 The Friars to the west and a traditional Victorian former village school building to the east. There is a modern residential development on the opposite side of the A20.
7. The proposal is for three large, detached dwellings accessed from a driveway alongside the eastern boundary. The houses, garages and driveways would occupy a significant proportion of the site, considerably more than the former school house. Whilst there is backland development to the west, this has a tandem layout. Furthermore, although there are some other structures present, the former school house and school are the predominant buildings on these sites, set within spacious plots. Therefore, the amount of development and the proposed linear layout of three properties facing the road would fail to reflect the existing pattern of development in the locality.
8. There is no policy on the amount of space around buildings and no issue with the proposed amount of private amenity space. However, the dwellings and garages would occupy much of the site width, close to the western boundary and proposed driveway, leaving little space around the properties. Furthermore, their two-storey height would be considerably greater than Bellevue and would also exceed that of the former school building. Although there is no clear building line in the vicinity, the house on plot 1 would be significantly nearer the road than the bungalows to the west and the school building to the east. Whilst there would be some landscaped space in front of plot 1, its height, width and position forward of the adjacent structures would be incongruous in the streetscene, prominent in views from Ashford Road.
9. Some parties refer to the density and design of houses on the opposite side of Ashford Road in the Chantry Green development. This scheme is largely set back from the road, behind a wide grass verge and a mature line of trees, and the dwellings do not have vehicular accesses directly onto the A20. Given these differences, I am satisfied that the presence of this development does not justify the harm which would arise from the proposal.
10. Consequently, I conclude that the proposed development would harm the character and appearance of the site and area. This would be contrary to Policy DM1 of the Maidstone Borough Local Plan 2017 (the Local Plan) which seeks to achieve high quality design and expects proposals to respond positively to the local character of the area, paying particular regard to scale, height, mass, bulk and site coverage, amongst other things. It would also conflict with the National Planning Policy Framework (the Framework) where it states that the planning process should seek to achieve high quality buildings and places and requires development to be sympathetic to local character.

Living conditions

11. The single storey dwelling at Bellevue has two windows in the flank wall close to the boundary of the appeal site, with a close boarded timber fence separating them. The two storey elements of the proposed houses on plots 1 and 2 would be around 5m and 3m from the mutual boundary respectively.
12. The proposed dwelling on plot 2 would extend for approximately 16.9m along the side and be located close to the neighbouring house. Although the existing residents of Bellevue support the proposal, its occupiers will inevitably change over time whereas the development would be permanent. Whilst there are no policies setting out separation distances, the height and depth of the proposed building on plot 2, together with its proximity to the single storey Bellevue, would dominate the outlook from windows in the neighbouring property, adversely affecting the living conditions of the occupiers of this house.
13. The dwelling on plot 1 would be sited alongside the detached garage at Bellevue, forward of the neighbouring bungalow, with the two-storey part of it separated from the adjacent property by the proposed single storey attached garage. Given the reasonable separation distance between the dwelling on plot 1 and the house at Bellevue and its siting considerably forward of the flank windows in the neighbouring property, the structure would not have an unacceptable overbearing impact on the residents of the adjacent property.
14. The orientation and position of the dwellings and the absence of windows in the flank walls mean that the proposed houses would not overlook the occupiers of Bellevue and 2 The Friars. However, this would not outweigh the harm that the development would cause to the outlook of the residents of Bellevue.
15. Therefore, I conclude that the proposed development would harm the living conditions of the occupiers of Bellevue, with particular regard to outlook. This would be contrary to Policy DM1 of the Local Plan where it requires proposals to respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in visual intrusion, amongst other things. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users.

Other Matters

16. The proposed development would provide three dwellings on a small, under-utilised site in a location with good access to services and facilities in accordance with national planning policies. I note that residential development has previously been approved in conjunction with the adjacent school site (planning application refs MA/08/1767 and 12/2140). As the proposal would be within a designated rural service centre, it would accord with Local Plan Policy SS1 and the Council supports the principle of development of the site. There is no substantive evidence to demonstrate that the Council is failing to meet the housing requirements in its area. This tempers the weight I have attached to housing delivery. Nevertheless, the provision of three additional houses is a limited benefit of the scheme.
17. There are no access or highway safety issues and there is some support for the proposal as it would improve a derelict site. However, these matters do not alter the harm that I have found.

18. The Council's appeal statement refers to the impacts of the proposal on the setting of the former school building, a non-designated heritage asset, and protected trees. Given my findings above on the main issues, it is not necessary for me to consider these impacts.

Conclusion

19. Overall, 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 the conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR