The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/U2235/D/23/3324555
35 Bodsham Crescent, Bearsted, Kent ME15 8NL

- 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 T Nunn against the decision of Maidstone Borough Council.
- The application Ref 23/501266/FULL, dated 10 March 2023, was refused by notice dated 23 May 2023.
- The development proposed is loft conversion incorporating dormer windows to rear and rooflight to front.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the area.

Reasons

3. The host building is a two-storey, detached dwelling in Bearsted. The property has previously been extended to the rear and its rear elevation has a distinctive appearance due to the three projecting gables that sit above the eaves level. However, the majority of the original roof plane remains visible.

4. No objections have been made to the proposed front rooflight. From the evidence and my own observations, I have no reason to take a different view. I have therefore focused my assessment on the effects of the rear dormer.

5. The proposed dormer would be a substantial structure that would cover more than two thirds of the existing roof plane. Whilst it would be set-in from one edge of the roof, it would extend almost to the ridge and would conceal the majority of the original roof between the chimney stack and the northern end of the dwelling. The structure would therefore be disproportionately large and it would lack subordinance to the host dwelling. This would be contrary to the guidance set out in the Maidstone Local Development Framework Residential Extensions Supplementary Planning Document 2009, which resists large dormers which are disproportionate to the house.

6. The design of the proposed dormer, with its boxy shape and flat roof, is typical of this style of roof extension. However, the structure would have a visually awkward relationship with the triple gables of the existing extension. When combined with the excessive scale, it would have an incongruent appearance, which would be out of keeping with the host building and a discordant feature in the area.

7. The parties agree that views from public vantage points on Bodrum Crescent would be limited. However, from my observations, some views would be available. The new dormer would also be visible from the adjacent street off Ashford Road. The dormer would be unduly prominent in those views and its incongruous design would detract from the character and appearance of the area. The absence of multiple publicly accessible views does not negate the need to secure high-quality design, which is a clear requirement of policy DM1 of the Maidstone Borough Local Plan (2017) (LP) and the National Planning Policy Framework (the Framework).

8. In support of the appeal, my attention has been drawn to the presence of similar dormers in the local area. I have not been directed to specific developments in this regard. However, on my site visit I observed one dormer near to the appeal property. I have limited evidence before me as to the conditions that led to that development being accepted. However, it is clear that dormers are the exception rather than the norm in the local area. Moreover, the presence of other dormer developments does not alter my view on the effects of the appeal proposal on the host building and area.

9. I conclude that the proposal would be contrary to policy DM1 of the LP, and the Framework, which seek high quality design that responds positively to local context. It would also conflict with policy DM9 of the LP, insofar as it expects extensions to fit unobtrusively with the existing building and local character.

Other Matters

10. I have been referred to permitted development (PD) rights for dormer windows. However, the evidence indicates the volume of the proposed dormer exceeds those PD rights. I have limited evidence before me to be able to make a meaningful comparison between the proposal and any alternative that may comply with PD rights. Therefore, I have not found this matter to be determinative in my consideration of the appeal.

11. The Council has not raised any objection to the principle of the development, which would increase the habitable floorspace within an existing dwelling in a residential area. I have taken account of the benefits to the occupants of the appeal property in providing additional living accommodation, but these benefits are outweighed by the identified harm.

Conclusion

12. The proposed development conflicts with the development plan when read as a whole. There are no material considerations before me to indicate a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above, I conclude the appeal is dismissed.

E Catcheside

INSPECTOR