



Appeal Decision

Site visit made on 22 November 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/U2235/D/23/3329714

38 Olivine Close, Walderslade, Kent ME5 9NQ

- 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 Ms Louise Parker against the decision of Maidstone Borough Council.
 - The application Ref 23/502526/FULL, dated 26 May 2023, was refused by notice dated 28 July 2023.
 - The development proposed is the erection of a first-floor extension over existing ground floor to create bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor extension over existing ground floor to create bedroom in accordance with the terms of the application, Ref 23/502526/FULL, dated 26 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DKM/9177/01; DKM/9177/02; DKM/9177/03 rev 01; DKM/9177/04 rev 03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. I have adopted the description of the proposed development as it appeared on the Council's decision notice, rather than on the application form, as it represents a more succinct description of the development being proposed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property comprises a two-storey house located at the western end of Olivine Close and approached via a private drive shared between several properties. It has an existing pitched roof garage on its northern side which is

attached to a garage forming part of No 36 Olivine Close, which is a semi-detached property at a slightly lower level. No 36's garage is set forward of No 38 and has a pitched roof dormer providing habitable space above it. The rear of the property backs on to Impton Lane. Although there is a wide grass verge on the eastern side of that road, the property's rear elevation is clearly visible from that direction.

5. The character of the area is wholly residential, but there are a variety of house types including detached, semi-detached and terraced properties together with a range of different facing materials. There is also a variety of roof heights because of the changing land levels in the immediate area.
6. In terms of design as a standalone issue, the Council acknowledges that the proposed extension would be generally reflective of the character of the property, particularly on the front. Although the fenestration on the rear of the property is questioned, the Council concluded that the use of matching material would suitably integrate it with the existing house. However, the Council considers that there is an established pattern of gaps in the immediate area which creates a sense of space. Enclosing the space between the appeal property and No 36 would result in a terracing effect and a loss of openness to the detriment of the character of the area.
7. At my site visit, I walked around the full extent of Olivine Close and particularly noted the variety of house types, including a terrace, and the irregular street pattern, partly as a result of the different house styles, but also because of the site layout and changes caused by significant differences in site levels. There is therefore no regular rhythm within the streetscene, and whilst in some areas there are gaps between properties, elsewhere some are sited very close together. In those respects, I do not consider that different roof forms maintain a sense of openness between properties as the Council suggests.
8. In relation to the appeal proposal, the proposed ridge height of the extension would be below that of the extension above the garage of No 36, which in turn is set down below the main ridge of that property. The latter's garage is also set forward of the appeal property which would continue to be the case. Although there would be some loss of openness, the existing gap between the two is already somewhat narrow and I do not consider the resulting enclosure would be out of character with the general streetscene. There would be some apparent terracing effect but mitigated by the change in levels. Furthermore, in the immediate row of houses of which the appeal property forms part, there is a mixture of detached and semi-detached houses of differing designs and spacing, which whilst providing pleasing variety, reinforces the lack of any particular rhythm to the streetscene. Similarly at the rear, the view from Impton Lane is also varied, with variations in spacing in particular.
9. In reaching its view on the proposal, the Council also relied on guidance within its Supplementary Planning Document on Residential Extensions 2009 (SPD). In particular the guidance cautions against infilling which could create terracing at odds with the rhythm of the street and that a minimum separation of 3 metres between the side wall of an extension and the adjoining property is desirable. Whilst the guidance is well founded as a general principle, it cannot be applied unilaterally, and each case should have regard to local circumstances and context. As referred to above, in this instance I do not consider there is any particular rhythm in the streetscene for the reasons

explained and a separation distance of 3 metres is not characteristic throughout Olivine Close and particularly in the immediate area.

10. In design terms I agree with the Council that the proposed extension would relate satisfactorily to the character of the existing house on the frontage. I also agree that although the rear elevation of the extension would not be fully integrated with the existing rear of the main house in design terms, the use of matching materials will avoid any resulting visual harm.
11. Having regard to the above, I find that the loss of part of the existing gap between No 36 and 38 would not be significant in the context of the varied streetscene and that there would be no harm arising to the character of the area as a result.
12. The Council raises no objections from a residential amenity point of view, or in terms of parking provision and I see no reason to take a different view. Although there are trees covered by a Tree Preservation Order (No1 1969) in the vicinity, none would be affected by this proposal.
13. For the reasons set out above, the proposal would be consistent with Policies DM1 and DM9 of the Maidstone Local Plan 2017 in that it would respond to local character and fit with the character of the streetscene. For similar reasons it would be consistent with parts of design guidance within the SPD, although for the reasons explained, the guidance on potential terracing is not a critical issue in this particular instance.
14. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity.
15. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR