



Appeal Decision

Site visit made on 18 December 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/U2235/D/23/3328752

2 Mamignot Close, Bearsted, Maidstone, Kent, ME14 4PT.

- 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 Jake Short against the decision of Maidstone Borough Council.
 - The application Ref 23/501379/FULL, dated 9 March 2023, was refused by notice dated 13 June 2023.
 - The development proposed is a first floor extension including windows to front and rear to match existing.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension including windows to front and rear to match existing at 2 Mamignot Close, Bearsted, Maidstone, Kent, ME14 4PT in accordance with the terms of the application, Ref 23/501379/FULL, dated 9 March 2023, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: BD089-PL001 RevA and PL002 RevA.
 - 4) No development shall commence until a scheme for the enhancement of biodiversity of the site has been submitted to and approved in writing by the local planning authority. The scheme shall comprise either integrated enhanced biodiversity methods built into the fabric of the extension such as swift bricks, bat tube/bricks, or by the provision, within the curtilage of the property of bird boxes, bat boxes, bug hotels, log piles or hedgerow corridors. Development shall be carried out in accordance with the approved details before the extension hereby approved is first brought into use and all approved features shall be maintained thereafter.

Main Issues

2. I consider the main issues in this case are:

- a) the effect of the development on the character and appearance of the street scene; and,
- b) the effect of the proposal on the living conditions of neighbouring occupiers at number 3 Mamignot Close, in terms of its potential to appear overbearing, overshadowing and result in a loss of outlook.

Reasons

Character and appearance

- 3. The appeal property, 2 Mamignot Close, is two-storey detached dwelling located on a relatively recent residential estate, characterised by similar detached houses.
- 4. The appellant proposes a pitched roofed first-floor extension over the existing attached garage. The eaves and ridge line of the proposed addition would be set down below those of the host property, and the front elevation of the proposed addition would sit back behind the street façade of the host property. Overall, the proposed extension would be a very typical well-mannered addition to the existing dwelling. The proposed addition would address the rather unresolved part flat/part pitched roof design of the existing single storey garage.
- 5. The gap between this house and the neighbouring property at first floor level would be reduced to the same gap as at ground floor level. However, given that the dwellings are staggered one to another and having regard to the variety in the design of neighbouring dwellings I do not consider that the reduction of gap between dwelling would, in this case cause visual harm to the character and appearance of the street scene.
- 6. I conclude in respect of the first main issue that the proposal would accord with the objectives of the National Planning Policy Framework (the Framework), Policies DM1 and DM9 of the Maidstone Borough Council's *Maidstone Borough Local Plan* (Adopted October 2017) (LP), the design guidance contained in the Maidstone Borough Council *Maidstone Local Development Framework- Residential Extensions* Supplementary Planning Document (Adopted May 2009) (SPD), as they along with other things, relate to the quality of development and the desire to create a high quality public realm.

Living conditions

- 7. Number 3 is set back behind the front elevation of number 2. The ground floor bay window and the first floor windows of number 3 look out over the street and right across the hammer head. For these reasons, I am not persuaded that the proposed first floor extension would appear either so overbearing or result in such a loss of outlook as to cause significant harm to the living conditions of the occupiers of number 3.
- 8. Based on the evidence submitted by the appellant and my own observations on site it is clear that the ground floor box bay window of number 3 may already not meet the 45 degree test. However, the proposed first floor addition would not exacerbate the current condition. The proposed first floor extension would

meet the 45 degree test when applied to the existing first floor windows of number 3.

9. Given the orientation of number 2 to number 3 and while having regard to Shadow Maps provided by the appellant it is clear that the proposed extension would not have a significant overshadowing effect on number 3.
10. For the reasons set out above I conclude in respect of the second main issue that the proposed development would not cause an unacceptable loss of outlook, appear so overbearing or be such an overshadowing form of development as to be harmful to the residential amenities to the occupiers of this neighbouring property. It would therefore accord with the aims of the Framework, LP Policies DM1 and DM9 and the SPD as they seek to protect residential living conditions.

Conditions

11. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building. In the interests of ecology and biodiversity I will include a condition to protect and enhance them as part of the development.
12. For the sake of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR