



Appeal Decision

Site visit made on 16 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/U2235/W/23/3325792

5 Senacre Lane, Maidstone, Kent ME15 8HB

- 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 Scott Berry against the decision of Maidstone Borough Council.
 - The application Ref 23/501057/FULL, dated 3 March 2023, was refused by notice dated 27 June 2023.
 - The development proposed is demolition of existing garage, construction of new three-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.
3. The Council is currently preparing the Maidstone Local Plan Review (MLPR). The MLPR is undergoing Examination in Public, and the Council has recently consulted on the main modifications to the MLPR that the examining Inspector considers are necessary to ensure it can be made sound in accordance with the Framework. The MLPR is therefore at an advanced stage of preparation but has not yet been adopted by the Council. I have little information to suggest when the plan is likely to be adopted, or if there are any unresolved issues. Accordingly, I attribute limited weight to this plan.

Main Issue

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

Reasons

Character and appearance

5. The appeal site is located in a suburban area of Maidstone and is located at the bottom of the rear garden of 5 Senacre Lane which slopes considerably down and away from the rear of No 5. The appeal site would be accessed via Sutton Heights, a narrow cul-de-sac with several two-storey terrace properties with

accommodation in the roofspace, which exhibit a distinct style, form and rhythm to the streetscene. The terrace properties in Sutton Heights step down to accommodate for the change in ground level as a result of the local topography.

6. The proposal seeks the demolition of the existing single storey garage and the construction of a detached three-bedroom property with integral garage fronting Sutton Heights. The proposal provides a sympathetic treatment when viewed from the Sutton Heights streetscene. As such, its setting within the plot does not appear cramped and provides a respectful development with adequate amenity space.
7. However, the roof form of the proposal provides a distinct change in the streetscene, providing an uncharacteristically small roof and high eave level. These features would provide a disproportionate feel to the property, and together with the provision of the rendered finish at the upper floor level would appear discordant in the area. The resulting appearance would not reflect the proportions of the existing dwellings in the area. The design of the roof would result in an incongruous addition to the streetscene, at odds with the existing character that comprises dwellings of more conventional, domestic proportions.
8. It is acknowledged that the Framework seeks to prevent or discourage appropriate innovation or change for new developments, and the appellant contends that the design would provide a more efficient use of the land and would be a positive addition in the area. However, this does not alter my findings that the proposal would fail to respond positively to its context and would be of an inappropriate design.
9. The choice of materials which include render and darker brickwork would also not be representative of the Sutton Heights streetscene to which the appeal property would be associated. However, had the proposal been considered as appropriate a condition to secure samples of materials more in keeping with the surrounding area could have been attached.
10. Overall, the proposal would be harmful to the character and appearance of the area, contrary to the relevant provisions of Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (MBLP), adopted October 2017. Amongst other things these policies seek to ensure that development proposals achieve good design and do not compromise the distinctive character of the area, whilst responding positively to local character with regard to scale, height, materials, detailing, mass, bulk, articulation and site coverage. Furthermore, it would conflict with the relevant paragraphs of the Framework which also seeks to ensure that development achieves a high standard of design and is sympathetic to local character.

Other Matters

11. The Government has published the 2022 Housing Delivery Test (HDT) results. The HDT results show that Maidstone Borough Council has delivered its housing requirement over the latest period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework would not be engaged.
12. The proposal would result in some small social and economic benefits, including the support future occupiers would give to local businesses and services and is

in an accessible location. To these benefits I apportion modest weight given the limited scale and nature of the proposed development.

13. Even if I was to find that there was a deficit in the five-year supply of deliverable housing sites, the benefits that this modest development would provide carry modest weight in favour of the proposal. Given I have found that the proposed development would be harmful to the character and appearance of the area this attracts substantial weight against the scheme. As such, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the MBLP policies and the policies in the Framework taken as a whole.

Conclusion

14. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR