



Appeal Decision

Site visit made on 4 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2024

Appeal Ref: APP/U2235/W/23/3322159

3 Warmlake Cottages, Warmlake Road, Sutton Valence, Kent ME17 3LP

- 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 Jason Hall against the decision of Maidstone Borough Council.
 - The application Ref 22/504287/FULL, dated 1 September 2022, was refused by notice dated 15 March 2023.
 - The development proposed is described as *demolition of existing workshop with erection of 2no. 3 bedroom detached houses and associated parking*.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing workshop and erection of 1no. 5 bedroom detached dwelling with associated parking at 3 Warmlake Cottages, Warmlake Road, Sutton Valence, Kent ME17 3LP in accordance with the terms of the application, Ref 22/504287/FULL, dated 1 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. Section E of the appeal form states that the description of development has not changed, albeit a different wording has been entered. It is clear from the evidence before me that the application is for one dwelling. For the avoidance of doubt, I have used the description of development provided in the decision notice in my Decision above.
3. There has recently been a revised National Planning Policy Framework (the Framework) published by the Government. The parties have had the opportunity to comment on this as part of their appeal submissions. I have had regard to the revised Framework in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a corner plot located at the junction of Warmlake Road with Maidstone Road. The property has a sizeable side garden, which abuts a generous grass verge by the crossroads. Trees and other vegetation are present around the perimeter of the site.
6. The site is outside the settlement boundary of Sutton Valence and lies within the countryside. The surrounding area is verdant, albeit the locality has seen

development approved on several sites recently which, together with the levels of traffic in the vicinity, provides the area with a semi-rural character. The openness around the junction derives from the grass verges adjoining the highway and set back from the existing buildings within the corner plots. There is little consistency in the design, size and materials of houses within the area.

7. Policy SP17 of the Maidstone Borough Local Plan 2017 (LP) states that development proposals in the countryside will not be permitted unless they accord with other policies in the local plan and they will not result in harm to the character and appearance of the area.
8. Policy DM30 of the LP goes on to say that any new buildings in the countryside should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area. Policy DM1 of the LP offers support to proposals that respond positively to the character of the area, incorporate soft-landscaping and take into account the Character Area Assessments. The site lies within the Boughton Monchelsea to Chart Sutton Plateau Landscape Character Area, where the aim is to improve hedgerows and maintain open space between swathes of development.
9. The proposed dwelling would occupy a corner plot at the crossroads and increase the bulk and massing of development within the site. However, the dwelling would retain appropriate spacing to the side boundary with Warmlake Road and to the rear boundary with Maidstone Road. This separation, together with the generous grass verge, would ensure that the dwelling would be comfortably accommodated within the plot and that the sense of openness around this junction would be retained.
10. There is limited evidence that the existing vegetation is likely to be removed. Given the role it would play with regard to privacy, I find it more likely it would remain. Additionally, the introduction of new planting could be secured through a landscape scheme. This would ensure that the long term, viable impact of the proposal would be limited and the dwelling and associated domestic paraphernalia would not appear intrusive. Indeed, the vegetation would be used as a positive tool to help assimilate the development in a manner which would reflect local character, thereby ensuring that the proposal would not result in a suburban appearance.
11. Given the clear variety in scale, design and materials of the dwellings located around the crossroad, combined with the proposed pitched roofs, the proposed dwelling would relate well to neighbouring properties and would be a congruent addition to the street scene.
12. In conclusion, I am satisfied that the proposal could be accommodated at the site without causing harm to the character and appearance of the area. As such, the proposal would accord with Policies SS1, SP17, DM1 and DM30 of LP, insofar as it would respond positively to the character of the area and incorporate soft landscaping. The proposal would accord with the Landscape Character Assessment as it would protect the landscape character of the area. Further, the proposal would be in accordance with the Framework as it would be sympathetic to local character and use effective landscaping. Policies DM5 and DM11 have been referenced by interested parties. However, they relate to land within defined settlements.

Other Matters

13. The proposal would benefit from an existing access and would accord with Policy DM23 of the LP in terms of parking provision. As the proposal is for a single dwelling, it is unlikely that the impact on the road network would be significant. The adjacent part of Warmlake Road has a clear place function, and so drivers would likely be aware of the potential for vehicles reversing out of driveways. If inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
14. I understand that the shared drive can sometimes flood. However, there is no indication in the evidence before me that surface water from the scheme itself could not be satisfactorily dealt with on the site, in order to ensure that the risk of flooding would not increase elsewhere.
15. The proposed first floor bathroom window would face 3 Warmlake Cottages (No 3). However, as this is not a habitable room, I am satisfied that that the privacy of occupants of No 3 would be maintained to an acceptable standard, even if the window would not be obscure glazed. Given the relationship and distance between the proposal and 3 and 4 Warmlake Cottages, the proposal would not cause undue loss of light to the occupants of these properties.
16. As the proposal is to construct one dwelling, it is unlikely that it would give rise to additional noise levels over and above what would be expected in a residential area. Although there would be some noise and disturbance during the construction period, given the modest nature of the proposal, it is unlikely that this would be significant or extend for a substantial amount of time. As such, the proposal would be acceptable in this regard.
17. Interested parties suggest that there is no demonstrated need for additional housing in the locality. Nevertheless, the Framework seeks to significantly boost the supply of homes, so the proposal would make a positive contribution towards this objective.
18. Concerns have been raised in relation to the location of the site's boundary. However, these are civil issues that fall outside my consideration of this appeal.

Conditions

19. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. I have amended these where necessary for clarity.
20. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty. I have imposed conditions requiring the submission of material samples and a landscape scheme in order to protect the character and appearance of the area. As the landscape scheme is necessary to ensure that the development would reflect local character, it is reasonable that such details are provided prior to any works above slab level.
21. A condition is also included to secure a biodiversity enhancement scheme, in the interests of protecting and enhancing biodiversity. As the condition requires biodiversity measures to be applied to the building, it is reasonable that such details are provided prior to any works above slab level.

22. To ensure an energy efficient form of development, a condition is included requiring details of decentralised and renewable or low-carbon sources of energy. As these measures may be part of the building, it is again necessary that such details are provided before any works above slab level.

Conclusion

23. For the reasons given above, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HA/22/112.01A; HA/22/112.02A; HA/22/112.04A; HA/22/112.03A; HA/22/112.05A.
- 3) No development shall take place above slab level until details and samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat, piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 5 (five) year management plan.

The approved landscaping scheme shall be implemented in its entirety during the first planting season (October to February) following the first occupation of the dwelling. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme, unless otherwise agreed in writing with the local planning authority.

- 5) No development above slab level shall take place until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwelling by means such as swift bricks, bat tube or bricks. The biodiversity enhancement scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and retained permanently thereafter.
- 6) No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The

approved details shall be installed prior to first occupation and retained permanently thereafter.