



Appeal Decision

Site visit made on 13 February 2024

an Inspector appointed by the Secretary of State

Decision date: 27TH February 2024

Appeal Ref: APP/U2235/D/23/3329536

Fairleigh, Chartway Street, Sutton Valence, Maidstone, Kent ME17 3HZ

- 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 & Mrs Peel against the decision of Maidstone Borough Council
 - The application ref 23/502299, dated 5 May 2023, was refused by notice dated 17 July 2023.
 - The development proposed is the extension and alterations of a single domestic dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the extension and alterations of a single domestic dwelling at Fairleigh, Chartway Street, Sutton Valence, Maidstone, Kent ME17 3HZ in accordance with the terms of the application, Ref 23/502299, dated 5 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: location plan; NPKF/03A; NPKF/04 and NPKF/05.
 - 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.
 - 4) The extensions hereby approved shall not commence above slab level until details of 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 at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extensions and all features shall be maintained thereafter.

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. Fairleigh comprises a two storey detached house located on the northern side of Chartway Street and close to its junction with Pleasure House Lane. There is a small group of two storey dwellings to either side set back from the road with heavily vegetated front gardens. Beyond the housing on both sides of the road is open countryside comprising a mix of farmland and a golf course. The site lies outside any defined settlement and is therefore within the countryside for planning policy purposes.
4. The proposal involves significant extensions at ground and first floor level which would radically alter the appearance of the property from the road, from that of a reasonably narrow hipped roof house with a cat slide roof, to a wider fronted gable roofed property at two storeys. At the rear there would be a substantial single storey extension of significant depth.
5. In respect of the above, the Council notes that the thrust of the policies is for well designed modest extensions, normally no more than 50% in volume above the original, and that the character of the host dwelling should be respected. In that context, the extensions would be significantly in excess of this and the Council considers they would overwhelm the host dwelling. It would be highly visible from the street and would cause visual harm as a result.
6. As noted above, I acknowledge that the combination of the extensions would significantly alter the appearance of the host property and therefore ordinarily would be contrary to the policy approach. However, the key issue here is what harm would that cause in the context of the small group of properties to which it relates? In that respect, the setting of Fairleigh has long since been compromised by large two storey houses built to either side and in close proximity to Fairleigh itself. Each has a very different design approach and use of materials.
7. Treetops to the east for example has a large two storey gable front, much wider than that of Fairleigh and with a large two storey element spanning the full width of the property at the rear. Materials are a mix of brickwork and tile hanging with a tiled roof. On the opposite side, The Pines also has a two storey gable front, but with a slacker pitch than that of Treetops, with a further pitched roof two storey element behind and again with a different mixture of tile hanging and brickwork. Beyond the neighbouring properties, there is a further diversity of architectural styles including large chalet bungalows and two storey houses with a mix of roof forms and shapes. Brick colour and roof tile colour also vary. Most of the properties are significantly larger in size than Fairleigh.
8. Although the property is visible from the road, the fact that all the group of properties are set well back with significant vegetation in front, means that the views are broken up and individual properties not so apparent. In my view therefore, the proposed extensions, albeit changing the character of the host property, would simply introduce another architectural style, principally the gable roof at right angles to the road, but with an overall bulk and massing which would not be dissimilar from adjoining dwellings. In that respect I note that there would be no increase in ridge height from the existing and no increase in footprint at the front of the dwelling.

9. At the rear, the ground floor extension with a large flat roof would relate poorly to the overall design. However, the rear garden is fully enclosed and not visible from public view. Additionally, both neighbouring properties are either set back beyond Fairleigh or have rear extensions, so that the proposed rear extension would not project significantly beyond either side. Accordingly, I find that there would be no harm arising from this element of the proposal.
10. Drawing the above together, I find that whilst in strict design and policy terms I can understand the Council's concerns, given the context of the surroundings in terms of proximity mass and bulk of neighbouring and nearby properties, diversity of architectural styles and mix of materials, there would be no overall harm arising to the character and appearance of the area. I also note that part of the reason for the change in orientation of the proposed gable roof is to allow a fully integrated solar panel roof to take full account of the south facing direction. Whilst not decisive in its own right, the efficiency benefits that would result adds to the support for the proposed design approach, particularly given the diverse nature of other roof forms in close proximity.
11. In other respects, the materials and fenestration would be similar to the existing property and overall would appear as a balanced architectural composition when viewed from the front.
12. The Council raises no objections from a privacy, amenity or parking point of view, and having considered those issues at my site visit, I see no reason to take a different view.
13. Having regard to the above, the proposed development complies in part with policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017 (LP) and the Council's Residential Extensions SPD 2009 (SPD), in that there would be no harm to the character and appearance of the area, the building's setting and it would be well designed. Although there is conflict with some elements of the above policies, particularly Policy DM32 in that the original form of the dwelling would be destroyed, there are material considerations in this instance, as explained above, which justify a different approach being taken.
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. A condition requiring details of biodiversity measures is necessary to enhance the ecology and biodiversity of the site.
15. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR