



Appeal Decision

Site visit made on 24 October 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/U2235/W/23/3321035

Land at Carman's Close, Loose, Maidstone, ME15 0DR

- 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 J Creed against the decision of Maidstone Borough Council.
 - The application Ref 22/504216/FULL, dated 25 August 2022, was refused by notice dated 8 December 2022.
 - The development proposed is the demolition of 3no. garages, reconfiguration of garden land and the erection of 3no. terraced dwellings, 2no. garages and a store.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the impact of the development on protected species.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises three garages and associated hardstanding and garden land to the rear of no 96, 94 and 92 Linton Road. It is accessed via Carman's Close and is located in an established residential area. The buildings on site are currently disused and overgrown with vegetation. Carman's Close is varied in character with a mix of detached and semi-detached properties as well as small blocks of terraced properties. There is a range of different materials used and architectural styles observable on Carman's Close. Many buildings feature barn hipped roofs or pitched roofs that are broken up with
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chimneys, and pitched dormer windows and projecting gables finished with weatherboarding or hang clay tiles.

6. The proposed development would feature a hipped roof with 'wrap-around' side elevations with front projecting gables finished with white weatherboarding at first floor level, and other similar materials. This aspect would harmonise well with the other buildings on Carman's Close. The overall stylistic rationale of the development would not jar with its surroundings, however, the length of the frontage and depth of the side elevations would be considerable. The proposed roof form would be expansive and would dominate the street scene. The building would appear excessively bulky, especially when traveling west upon entering Carman's Close from Linton Road. Whilst the terrace opposite the appeal site would be longer than the proposed building, it would not appear as bulky and dominant given it is curved and its roofscape is stepped, has less depth, and is broken up with chimneys. It is also set back from the road as it turns the corner which helps to break up its scale and mass. I concur with the Council that the development would not appear subservient to the terrace opposite.
7. The scale of the building would be noticeably bulkier than other buildings on Carman's Close and the site would appear somewhat cramped. The middle property on plot 2 would be contrived and appear squeezed by the two larger properties. The location of its parking spaces to the rear of the site would be awkward and serves to highlight the cramped nature of the development.
8. Whilst I accept that the proposal would not lead to any coalescence between settlements or have an unreasonable urbanising effect given the site is surrounded by built form, I find that its scale and mass in close proximity to the road would detract from the present spacious feel of this part of Carman's Close. Although the appellant states that the current streetscene is characterised by residential development and parked cars, there is nonetheless a verdant roadside verge and open garden land bordering this section of Carman's Close. The development would thus erode the sylvan and open character of the streetscene.
9. Given the above, the proposal would conflict with Policies SS1, SP17, DM1 and DM30 of the Maidstone Local Plan (2017) (LP); policies LP3 and DQ1 of the Loose Neighbourhood Plan (2018-2031) (LNP) as well as the National Planning Policy Framework (the Framework), which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area.

Protected Species

10. The Kent County Council (KCC) Biodiversity Officer initially advised that the proposal had failed to demonstrate that protected species would not be adversely impacted upon as a result of the development. It was deemed that insufficient information was submitted by the appellant with regards to bat roost surveys.
11. During the course of the appeal, the appellant has submitted a new Bat Emergence Survey Report (By Fellgrove and dated June 2023). The newly submitted Bat Emergence Survey Report was submitted as part of planning application (23/503590/FULL) for two dwellings on the same site and the comments provided by KCC were provided as part of the consultations in that

application. The Council now consider that sufficient information has been provided with regards to protected species, and I see no reason to disagree with this conclusion.

12. Given the above, the proposal would not conflict with Policies DM1 and DM3 of the LP, Policies LP3 and LP4 of the LNP, Paragraph 99 of Government Circular (ODPM 06/2005) *Biodiversity and Geological Conservation – Statutory Obligations & Their Impact Within the Planning System*, and the aims of the Framework which together seek to ensure all new development protects and enhances any on-site biodiversity.

Other Matters

13. The appellant makes reference to an appeal ref. APP/U2235/W/23/3315823 ('The Glenrowan House Appeal'). They state this appeal bears similarities to the proposal given its location in the countryside but adjacent to existing residential development. The Glenrowan House Appeal was allowed, in brief, because of its containment and affinity with the built up area, the good access to local services and facilities, and the lack of harm to the character and appearance of the area. However, as I have found that the proposed development would erode the open character of the streetscene, I do not find the Glenrowan House Appeal to be directly comparable to the current appeal scheme. I do not therefore attach any significant weight to it in support of the proposal.

Conclusion and Recommendation

14. The proposed development would have a negative impact on the character and appearance of the area. Although I recognise that small and medium sized sites play an important role in the continued delivery of housing, as acknowledged by the Framework, this would not weigh sufficiently in favour of the proposed development to outweigh the harm which I have identified. I therefore conclude that the proposal would not accord with the development plan and the Framework, and that there are no further material considerations which would dictate otherwise.
15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR