



Appeal Decision

Site visit made on 21 March 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST May 2024

Appeal Ref: APP/U2235/D/23/3335691

18 Westwood Road, Maidstone, Kent, ME15 6BG

- 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 Currie and Ms Moore against the decision of Maidstone Borough Council.
 - The application Ref. 23/503608/FULL, dated 27 July 2023, was refused by notice dated 2 October 2023.
 - The development proposed is single storey rear and two storey side extensions with new front porch.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear and two storey side extensions with new front porch, at 18 Westwood Road, Maidstone, Kent, ME15 6BG in accordance with the terms of the application, Ref. 23/503608/FULL, dated 27 July 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: 2322-PL03 Revision A (Site Plans) and 2322-PL02 Revision A (Proposed Plans & Elevations).
 - 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.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the

description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, and I have therefore used the one given on the original application

3. Since the planning application was determined, a revised National Planning Policy Framework (the Framework) has been published, but as the policies of relevance to this appeal have not fundamentally changed comments have not been sought from the parties.
4. On 20 March 2024, the Council adopted the Maidstone Borough Local Plan Review 2021-2038 (LPR). The views of the Council were sought on the implications for this appeal. The Council advised that the document replaces the Maidstone Borough Local Plan 2017, but that some of its policies are still relevant and have been retained. However, it also confirmed that, for Development Management purposes, substantial weight is being given to the LPR, but not full weight until the completion of the 6-week period for judicial review of that Plan (1 May 2024). The Council states that during this period, both the policies in the Local Plan 2017 and LPR are considered to apply, with the 2017 plan given full weight and the 2024 plan substantial weight.
5. Policies DM1 and DM9 of the Maidstone Local Plan 2017 cited in the reason for refusal are not policies of the 2017 Plan which have been retained. The Council has confirmed that Policy DM1 has had minor amendments and is renamed under the LPR strategic policy section as Policy LPRSP15, and Policy DM9 has also been retained with minor amendments as Policy LPRHOU2; and that the substance of the policies has not materially changed, such that the Council's decision on the appeal proposal would not have been different.
6. Much of the wording of the 2017 and LPR policies cited above is the same in both documents. Whilst I note the Council's comments on its status, I have assessed the appeal against the adopted LPR Policies LPRSP15 and LPRHOU2. Having regard to the matters addressed by the LPR policies, and the extent of the textual differences from the 2017 Plan, it has not been necessary to seek comments from the appellants on this change.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the street scene and area.

Reasons

8. The appeal property is a semi-detached house located in a residential area which appears cohesive as a result of repeated dwelling styles, materials and detailing. The dwelling is located towards the outskirts of the built-up area, with the open countryside visible at the end of the cul-de-sac. Although there are a pair of chalet-style dwellings located at the edge of the housing group, the appeal property sits opposite terraced housing.
9. The Council considers that the street scene shows a transition from the two-storey dwellings, to the chalets, and to the countryside beyond, with an increasing sense of spaciousness at this point. However, I do not find that the appeal property makes any particular contribution to this transition, being sited between two-storey houses and opposite terraced dwellings.

10. Throughout the estate there are gaps between buildings, but I do not share the Council's assessment that these spaces create a regular pattern of gaps at first-floor level. Whilst some spacing is quite generous, there are examples of more closely spaced properties within the vicinity, including those separated by pedestrian width accesses rather than driveways. There are also examples of properties built up to, or very close to, their side boundaries. In this regard, space between buildings does not contribute to a local distinctive character.
11. I agree with the Council's view that the proposed extensions would be congruent with, and fit unobtrusively with, the existing building. This is consistent with LPR Policy LPRHOU2, which amongst other criteria requires the scale, height, form, appearance and siting of the proposal to fit unobtrusively with the existing building. However, the Council's 'Residential Extensions' Supplementary Planning Document 2009 (SPD) advises that, where there is a pattern of gaps between properties within a street, as a guide, a minimum of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension is normally desirable. It is noted that this is normally desirable, rather than essential.
12. The SPD advises that the infilling of the spaces between dwellings with two-storey extensions could create a terraced appearance at odds with the rhythm of the street scene when the gaps, often with associated landscaping or allowing longer views, are important elements. However, in this case, no terracing would arise as a gap to the side boundary would be retained, in combination with the material change in ground levels between the appeal property and the adjacent property, 16 Westwood Road (No.16), and the staggered siting of the pair. The design of the proposed side extension, being recessed behind the main front wall and set down from the roof ridge, is also distinct from the extension built at No.16, meaning that the two would not be 'read' as part of a terrace.
13. Whilst I acknowledge that the spacing between the pair would be reduced, this reduction in space would not undermine the rhythm in the street scene, as the two already appear different due to the levels and position of buildings. The existing gap does not currently enable long views, but rather glimpses of the dwellings to the rear, and this reduction would not undermine the character of the area. In this context, the proposal would fit unobtrusively with the character of the street scene and/or its context, as required by LPR Policy LPRHOU2.
14. I therefore conclude that the proposal would be acceptable in its impact on the character and appearance of the street scene and wider area, and would not conflict with LPR Policy LPRHOU2, or LPR Policy LPRSP15, which amongst other criteria seeks high quality design which responds positively to, and where possible enhances, the local character of the area, with particular regard to scale, height, materials, detailing, mass, bulk, articulation and site coverage. For the reasons outlined above, it would not conflict with the purposes of the guidance in the SPD. In accordance with the design objectives of the Framework, the proposal would be visually attractive and sympathetic to local character, including the surrounding built environment.

Conditions

15. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to

control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area.

16. Having regard to LPR Policy LPRSP15 (9), a condition requiring the submission and approval of details of biodiversity measures is necessary and reasonable to enhance the biodiversity of the site.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR