



Appeal Decision

Site visit made on 22 April 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/U2235/W/23/3327565

24 Mill Bank, Headcorn, Kent TN27 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ian Thomas against the decision of Maidstone Borough Council.
 - The application Ref is 23/500917/OUT.
 - The development proposed is described as new bungalow in rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, I have removed reference to the site address, which is not in itself development.
3. The appeal relates to an application for outline planning permission with all matters reserved for subsequent consideration. It is clear from the evidence that the appellant intends for the plans to be illustrative. Accordingly, I have had regard to the submitted site plan but have considered all elements shown as indicative.
4. Since the Council issued its decision on the planning application, a new Maidstone Local Plan (MLP) has been adopted and I have taken it into account in my decision. The Council has clarified the relevant policies are LPRSP15, LPRHOU2 and LPRHOU4. The appellant has had the opportunity to comment on the new policies and I have taken their response into account in my decision.
5. There has recently been a revised National Planning Policy Framework (the Framework) published by 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 and to any representations received in my decision.

Main Issue

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

Reasons

7. The appeal site accommodates a detached bungalow with a detached side garage. It is located within the eastern side of Mill Bank, which is characterised by linear development, where the dwellings face the road and have good-sized gardens to the rear. On this side of Mill Bank, the dwellings vary in size, type

and design and are normally set back from the road with frontages that typically accommodate parking and generous planting.

8. The western side of Mill Bank has a markedly different character to the eastern side, whereby it includes back-land plots and cul-de-sacs. The housing estate to the rear of the appeal site has a higher density and its layout comprises of modest plots laid in a cul-de-sac arrangement. The rear gardens of the dwellings located in the eastern side of Mill Bank provide a clear visual break between the linear pattern of development fronting Mill Bank and the suburban cul-de-sacs behind these gardens. As such, these gardens make a significant contribution to the character of the area.
9. The proposed dwelling would be located behind the residential properties facing Mill Bank in a tandem arrangement, markedly at odds with the prevailing pattern of development in the eastern side of this road. The housing estate behind the site has a distinct layout, appearance and density from the eastern side of Mill Bank and, as such, its presence would not form grounds to justify the proposal.
10. The proposal would comprise a new vehicle and pedestrian access to the rear which would run alongside the common boundary with 22 Mill Bank, which would open views into the site. This access arrangement would differ from the surrounding plots on this side of Mill Bank which front the road. Although public views to the dwelling would likely be limited, the access would be noticeable, and it would appear incongruous. As such, the proposal would not fit unobtrusively with the character of the street scene and would cause visual harm. Whilst planting may go some way to reduce the proposal's visual harm, I am not persuaded on the basis of the information available to me with the appeal, that it would be sufficient to overcome the harm I have identified.
11. The appellant asserts that the site's garden is excessive for the size of the bungalow and it is larger than the garden of neighbouring properties which have more bedrooms. Furthermore, the proposal would result in two properties with good-sized gardens. Whereas this may be the case, the site reflects its surrounding context, so this would not justify the harm to the character of the area that would result from the introduction of a new dwelling in this location.
12. My attention is drawn to other dwellings previously approved and built in the garden of other pre-existing properties. However, I note that some of these properties are in a linear arrangement, such as Nos 2 and 4 Mill Bank. As such, despite sharing an access point, the arrangement of these properties would be different from that proposed.
13. Other sites that are located behind the frontage dwellings include Nos 7a, 11a and 13a Mill Bank and, as such, their access is alongside other properties. However, these dwellings lie on the western side of the road, where the pattern of development is different insofar as back-land development is established. Consequently, these examples would provide little justification in favour of the proposal.
14. I note the health conditions and personal situation of the appellant. In these circumstances, I can sympathise with the appellant that the property's garden would be excessively burdensome for a single person to adequately maintain. However, I have not been provided with compelling evidence to demonstrate

that the appellant has explored other options. As such, this would not justify the proposed development.

15. In conclusion, the proposal would have a harmful effect on the character and appearance of the area, in conflict with MLP Policies LPRSP15, LPRHOU2 and LPRHOU4. Collectively, these policies require development to respond positively to the local character of the area, amongst other things. Further, the proposal would conflict with the Framework, where it supports development that is sympathetic to local character.

Other Matters

16. Given that the proposal is in outline form, precise details of the development, including its siting, layout and orientation, are not before me for consideration. However, based on the size of the site, likely spacing between the development and the neighbouring properties, and single storey nature of the proposal, I find that a form of development that would protect the living conditions of the neighbouring occupants in terms of outlook and light could be satisfactorily accommodated within the site.
17. Given that the proposal is for one dwelling, the associated increase in vehicular movements and activity would likely be limited. As such, I find it unlikely that the proposal would be unduly harmful in terms of noise and disturbance.
18. I acknowledge the support received from a local resident. However, this would not outweigh the proposal's harm to the character of the area, as outlined above. Any matters related to tree protection are not before me for consideration since the proposal is in outline form. However, this could be adequately addressed at reserved matters stage and, on this basis, I find it unlikely that the proposal would unduly compromise existing trees.

Planning Balance and Conclusion

19. In reaching my decision I have considered the situation of the appellant. However, the Planning Practice Guidance advises that, in general, planning is concerned with land use in the public interest. Furthermore, the new dwelling is likely to remain long after those personal circumstances cease to be material. I have given careful consideration to the appellant's advancing age and health issues but can only attribute limited weight to their personal circumstances.
20. The proposal would provide a 2-bedroom bungalow to contribute towards the housing stock within the Borough and would support the Government's objective of significantly boosting the supply of homes. Taken together, these benefits attract limited weight in favour of the appeal proposal, but do not outweigh the harm that I have identified.
21. Overall, I conclude that the proposal would conflict with the development plan read as a whole and there are no material considerations of sufficient weight to justify a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR