



Appeal Decision

Site visit made on 23 April 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/U2235/W/23/3332378

27 Reginald Road, Maidstone, Kent ME16 8EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr P Lyons against the decision of Maidstone Borough Council.
- The application Ref is 23/502487/FULL.
- The development proposed is described as the construction of 3-bed detached dwelling with associated parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am obliged to use the description of the development as included on the planning application form which is different from how the appellant described it in their appeal form and the Council in their decision notice. In the interests of clarity, I rely upon the description of development as contained in the application form for the purposes of the heading above.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the sections of the Framework most relevant to this appeal. Any references to the Framework hereafter in this decision are to the latest version.
4. Since the Council issued its decision on the planning application, the new Maidstone Borough Local Plan Review 2021-2038 (MLPR) has been adopted on 20 March 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant MLPR policies are LPRSS1, LPRSP2, LPRSP15, LPRHOU4, LPRHOU5, LPRQD6, LPRQD7 and LPRTRA4. The appellant has had the opportunity to comment on these new policies.

Main Issues

5. The main issues are the effects of the proposal on a) parking in the area; b) character and appearance; c) living conditions of the occupiers of No 6 Douglas Road with specific regard to privacy, and d) living conditions of future occupiers with regard to space standards.

Reasons

Parking

6. MLPR Policy LPRTRA4 states that car parking standards for new residential developments will be assessed against the requirements set out in Kent County Council's Interim Guidance Note 3. This highlights that for three-bedroomed dwellings the maximum parking standard is for two off-street parking bays.

7. The Council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have any unacceptable adverse impacts on the surrounding locality.
8. The Council accepts that the proposal is located in a relatively sustainable location, which is in a Controlled Parking Zone (CPZ). As such the proposal could be delivered with below the maximum standards. Nevertheless, the appellant has sought to provide the maximum standard with two off-street bays for the proposal. However, this provision would result in the loss of a single on-street bay currently used by local residents, where opportunities for on-street parking appears limited. At the time of my site visit I observed that many of the on-street and off-street parking spaces were occupied, and the surrounding area appeared heavily parked with limited spaces available.
9. I have no substantive information from the appellants with regard to levels of on-street parking in the form of a parking stress survey, and whether the removal of the on-street bay could be successfully achieved without increasing parking pressure and harming neighbouring amenity. As such, I have adopted a precautionary approach. Whilst I acknowledge the appellant has indicated that future occupiers of the proposal could be made ineligible from applying for a permit in the CPZ, this would need to be secured through a planning obligation. I have not been supplied with such a mechanism. Furthermore, future occupants are unlikely to require a permit given the maximum off-street provision at the proposal.
10. Given the loss of an existing on-street space as a result of the proposal, and without evidence demonstrating that there is sufficient space available, or any to the contrary, it has not been adequately demonstrated that the development would not result in a shortfall in the demand for on-street parking. Accordingly, the proposal fails to demonstrate that it would not result in harmful effects on neighbourhood amenity regarding parking. The proposal would therefore be contrary to MLPR Policies LPRTRA4 and LPRSP15 which amongst other things, seek to provide suitable parking standards to safely accommodate proposals avoiding highway safety concerns and local on-street parking problems.

Character and appearance

11. The appeal site consists of a vacant parcel of land located between Nos 27 and 29 Reginald Road in Maidstone. The surrounding area is residential consisting of mainly two-storey detached and semi-detached traditionally designed dwellings with some including off-street parking on forecourts. Despite having a varied building line and building vernacular there is nevertheless a distinct rhythm and proportion to the properties along Reginald Road. The proposal seeks the erection of a two-storey three-bedroom family dwelling with two off-street parking bays and associated refuse storage.
12. Paragraph 135 c) of the Framework indicates that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The Council consider that the layout, plot coverage and set back provides a cramped appearance, that would appear acutely at odds within the surrounding area.

13. It is acknowledged the proposal has been set back from the front of the plot and given the narrowness of the site the proposal would occupy a significant proportion of the plot size. However, it is not uncommon within the locality for properties to be set back in order to provide off-street parking. Indeed, during my site observations I noted several properties that already provide off-street parking by means of a forecourt. The proposed development would take advantage of the narrow constraints of the site and would provide a development which is respectful to its surrounds, whilst still retaining visual interest along the street scene.
14. Whilst located along the boundary with No 27 the proposal has been set off the side boundary with the adjoining property at No 29. I am unaware of any minimum gap requirement between plots as set out in local policy. However, from the plans before me, given the setback nature of the proposal and the modest gaps between properties, the proposal would not appear as either cramped or as an overdevelopment of the site providing an appropriate density within the residential area.
15. The plot coverage, footprint and the scale of the proposed development would not appear visually intrusive or overly prominent within its context. Whilst the rear garden would be modest, there is a varied nature in terms of plot sizes within the area, which provides some flexibility to the established pattern of development. Despite not being commensurate with some of the other slightly larger gardens, given its narrow nature the proposal would nevertheless provide a garden space appropriate in the area and not compromise the local character. The proposed garden is also of a sufficient size to provide a reasonable standard of amenity for future occupiers.
16. The overall design and resulting form of the dwelling, would not appear out of keeping within either Reginald Road or the wider area. The use of suitable materials, which could be conditioned, could ensure the appearance of the proposal is respectful and can contribute positively to the character of the locality.
17. I therefore conclude that the proposed development would represent good design and would contribute positively to the local character and would not harm local distinctiveness. Consequently, in respect to this matter, I find no conflict with MLPR Policies LPRSS1, LPRSP2, LPRSP15, LPRHOU4, LPRHOU5, LPRQD6 and LPRQD7, which among other things, collectively require new development to be of a high standard of design, respectful, proportional and reflect patterns of development and distinct local character. Furthermore, the proposal would also accord with the aims and objectives of the Framework, which amongst other things, seek to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.

Living conditions – Privacy

18. The property most affected by the proposal is No 6 Douglas Road adjoining the site to the rear. The appellants highlight that there would be approximately 13.5m between the rear elevations of the proposal and No 6. The proposed depth together with the height of the close boarded fencing around the back garden, would ensure that the scheme would not cause overlooking or loss of privacy to the occupiers of this neighbouring property at ground floor level. However, this would be less effective at the upper floor level.

19. The upper level of the scheme would be visible from this property albeit that two-storeys would not be out of place in this locality. The spacing between these properties would provide an adequate separation distance such that there would not be a sense of undue imposition or dominance. I appreciate that the two-storey scheme would be close to the private rear areas of No 6, and I accept that there could be a perception of overlooking from the proposed windows. However, these areas already experience direct overlooking from upper floor windows at the rear elevations of the existing properties at Nos 27 and 29 Reginald Road. In this context, I do not consider that the additional openings proposed at first floor level at the rear would result in significant increase harm to these living conditions.
20. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers at No 6 with reference to loss of privacy. The scheme would therefore be compliant with MLPR Policies LPRSP15 and LPRHOU4 which amongst other things, are concerned with housing quality and protecting residential amenity in respect to overlooking and loss of privacy. The proposal is also consistent with the advice in the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Living conditions – Space standards

21. Policy LPRQD7 requires the rear garden of houses to be at least equal to the ground floor footprint and not triangular in shape, in order to meet private open space standards. The supporting text indicates that the space must be sufficient enough to provide an outdoor seating area, small shed, clothes drying area, area of play, and planting space (for trees and shrubs). Further indicating that this can be accommodated in a garden with a 10m depth and the width of the dwelling.
22. Whilst the private outdoor space fails to be at least equal to the ground floor footprint, the unit proposed would have private outdoor space, which is of sufficient size to enable sitting out and/or drying of washing, small storage facilities and would allow for children to play outside. The garden area would also be of a useable shape and be of an adequate size that would enable space for a small sitting out/entertaining area. The space would be attractive and inviting, because of its overall size and position in relation to the living accommodation and would be commensurate in the surrounding area. Therefore, the area would provide a functional space appropriate for future occupiers.
23. Any minor infringements in respect to the resulting garden space at the rear in comparison with the ground floor footprint would not weigh heavily against the scheme, in terms of unacceptably lowering established spatial standards of the surrounding area. Consequently, I find no conflict with MLPR Policy LPRQD7 or Paragraph 135 f) of the Framework, which collectively seek, amongst other things, to achieve high quality housing and a good standard of amenity for future occupants of buildings.

Other Matters

24. Interested parties have raised concerns on various grounds including converting the proposal into a house of multiple occupation (HMO), overlooking and privacy, development density, overdevelopment and being out of keeping,

construction impacts, increase in traffic, highway safety and impact on local services. Where I consider those matters are material to my decision, I have reached conclusions on them in the main issues.

25. In regard to the other matters raised including the conversion of the property into an HMO, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in the creation of an HMO. Furthermore, it has not been explained that existing regulations and controls do not satisfactorily deal with this matter.
26. In terms of the development density, the Framework requires a significant boosting of the supply of homes and emphasises the importance of small sites in meeting housing needs. As such the proposal would make a modest contribution to the provision of housing required by Maidstone Borough Council.
27. I have considered the concerns relating to construction disruption and these can be mitigated through the use of an appropriate condition had the scheme otherwise been found appropriate.
28. With regard to the capacity of physical infrastructure I have no substantive evidence to demonstrate that the occupiers of the proposed development would cause unacceptable additional pressure on existing infrastructure relating to local services and facilities.

Conclusion

29. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR