



Appeal Decision

Site visit made on 27 June 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal Ref: APP/U2235/W/23/3331215

1 Wheatsheaf Close, Maidstone, Kent ME15 9QA

- 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 James Chapman of Discovery Land & Planning against the decision of Maidstone Borough Council.
 - The application Ref is 23/502716/OUT.
 - The development proposed is an outline application with all matters reserved for demolition of existing garage and sub-division of garden to create new residential development, including creation of a new access to 1 Wheatsheaf Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved. Four indicative layout plans were submitted with the application, showing different potential layouts for between one and three dwellings. I have determined the appeal on the basis that the plans are for illustrative purposes only.
3. Since the Council determined the planning application, it has adopted the Local Plan Review 2024 (LPR). The Maidstone Borough Local Plan 2017 (LP) policies referred to in the reason for refusal have been superseded by policies in the LPR. I sought the parties' comments on the implications of the LPR for the proposal and have taken these into account. Although the North Loose Neighbourhood Development Plan 2016 (NDP) precedes the Local Plans, there is no indication that its policies are inconsistent with or superseded by those in the LP or LPR. Therefore, I have determined the appeal based on the current adopted policies in the LPR and the NDP.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site lies on the corner of the A229 Loose Road and Wheatsheaf Close within a predominantly residential area. It comprises part of a dwelling curtilage, containing a garage and hardstanding with a hedge around the roadside boundaries. The dwellings in this part of the close have large rear gardens, separated from Loose Road by a landscaped verge. A fire station lies on the opposite side of Wheatsheaf Close with wide grass verges separating it

- from the surrounding roads. The verges, planting and sizeable rear gardens give the area around the road junction a spacious, landscaped character.
6. The Council's Character Area Assessment (CAA) for the Loose Road Area¹ identifies the site within the Swan to Wheatsheaf Character Area. Whilst this recognises that the fire station detracts from the character of the area, the CAA identifies that it is set well back from the road in an open setting. It states that Wheatsheaf Close is enclosed by terraced houses on small scale, inward looking streets with small open plan grassed or hard-surfaced frontages.
 7. The illustrative plans show a single proposed building, removal of the existing garage and a new wide crossover providing access to parking for the existing house. They indicate that the structure could be set back further from Loose Road than the fire station, in a different position to the previously refused schemes for bungalows (planning application refs 05/2388 and 19/503624/FULL).
 8. It is indicated that the structure would have a much larger footprint than the existing garage, with only narrow gaps between the proposed building and the rear and east boundaries. Further, this larger building would occupy a significant amount of the existing space between Loose Road and the house at 1 Wheatsheaf Close (No 1). Although the detailed size and design could match the neighbouring dwellings, the illustrative plans show the proposed structure much nearer to Wheatsheaf Close than the adjacent house. Therefore, due to the position and size of the proposed building, the scheme would harm the spacious character of this prominent corner location, evident in views from the close and the A229.
 9. I acknowledge that the site is not shown as part of the existing green infrastructure network under GSSR Policy 1 of the NDP. Nevertheless, removing much of the boundary hedge, introducing a residential building and paraphernalia including bin stores, and forming a large new crossover to access existing parking would create significant urbanisation. This would harmfully erode the landscaped character of the street scene.
 10. The appellant refers to examples of other schemes approved on sites close to Loose Road. From the limited information before me, these appear to lie in areas where the character and development pattern differ from that around the appeal site, and therefore they are not comparable to the current scheme. There is also reference to backland development in the vicinity, but it is unclear how this relates to the proposed development.
 11. The CAA recognises the importance of new buildings in respecting the alignment of buildings in order to fit well within the local context. It makes clear that this applies to both the front building line and the width of development within the plot which should be sufficient to locate the building and provide adequate separation. As the proposed scheme would be sited forward of No 1 in an existing spacious and landscaped gap in development between Wheatsheaf Close and Loose Road, it would fail to meet the requirements of the CAA.
 12. It has been put to me that LP Policy DM9 (now superseded by LPR Policy LPRHOU2) does not apply. However, as the proposal relates to the

¹ Character Area Assessment Loose Road Area Supplementary Planning Document December 2008

redevelopment of land within the curtilage of a residential property within the built-up area, Policy LPRHOU2 is relevant to the scheme.

13. Consequently, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies LPRSP15, LPRHOU2 and LPRHOU4 of the LPR. Together, these require proposals to positively respond to the local character of the area and the street scene, amongst other things. It would also be contrary to HD Policy 1 of the NDP where it requires garden development to not harm the character and appearance of the area.

Other Matters

14. The proposal would provide an additional dwelling or dwellings, making better use of a site with access to services and facilities. There is no dispute that the Council is meeting the housing requirements in its area, and this tempers the weight I have attached to housing delivery, notwithstanding that it is still a limited benefit to be factored into the planning balance.
15. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development, the retained garden space for the occupiers of 1 Wheatsheaf Close, drainage, ecology, and access for the fire station. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
16. It is stated that sufficient internal and external space would be provided, and the scheme would not create harmful living conditions, but as all matters are reserved, these cannot be assessed at this stage.

Planning Balance and Conclusion

17. I have found harm to the character and appearance of the area. This is a planning harm which attracts considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
18. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR