



Appeal Decision

Site visit made on 11 July 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/U2235/W/24/3338818

Highways, Ashford Road, Harrietsham, Kent, ME17 1JS

- 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 Mr Mission against the decision of Maidstone Borough Council.
 - The application Ref is 23/504452/OUT.
 - The development proposed is the erection of 1no. dwelling, including demolition of existing outbuilding and replacement car barn, with all matters reserved for future consideration aside from access.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of 1no. dwelling, including demolition of existing outbuilding and replacement car barn, with all matters reserved for future consideration aside from access at Highways, Harrietsham, ME17 1JS in accordance with the terms of the application, Ref 23/504452/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The Council accepts that the appeal site is within a location where housing development is supported provided it does not cause unacceptable harm to the character and appearance of the area.
4. The proposed development seeks to subdivide the curtilage of Highways, a brick-built, two-storey dwelling and to erect a bungalow in the rear garden. While it accepts that single storey dwellings are commonplace in the immediate locality, the Council is concerned that the siting and plot ratio of the development would be out of keeping with its surroundings.
5. Notwithstanding that there would be very limited visual exposure of the proposed dwelling or its garden in public views from Fairbourne Lane or Ashford Road, I find the Council's concerns about the backland location difficult to follow. That is because, immediately west of the appeal site is a small development containing two 'backland' bungalows. These are sited further south towards the railway line than the appeal scheme. There is also a similar scheme further to the west known as Lenmead which encroaches up to the railway cutting. Whether or not they were consented under a different policy regime is irrelevant. They have been built and form an integral part of the

area's character and should have been given significant rather than the limited weight attributed to them in the Officer's Report.

6. I accept the garden to the proposed dwelling would be constrained. However, the Council accepts that it does not have any current standards that would be breached in that regard. The garden would not be so small as to preclude the types of activities one would normally expect such as sitting out, drying clothes, growing of plants etc. In any event, the Council does not oppose the application on the basis of poor living conditions for future occupiers.
7. From the plans provided and my own observations, the size of the garden area to both the existing and proposed dwellings would be within the range found in the local area such as those on Lenmead, the northern end of Fairbourne Lane as well as those on the housing estate to the north of Ashford Road.
8. In support of its concerns the Council refers to an emerging policy in the local plan review. As I understand it, this seeks to introduce a requirement for gardens to be of equivalent size to the footprint of the dwelling. Notwithstanding the Council's acknowledgment that the policy currently carries limited weight, the Appellant's Statement of Case demonstrates that the appeal scheme would accord with the emerging policy in any event.
9. On any proper analysis, the Council's reason for refusal is completely without merit. The proposed development would be entirely consistent with the surrounding pattern of development both in terms of its location and plot size. Consequently, it would not appear cramped or out of keeping. I therefore conclude that the proposed development would not harm the character and appearance of the area and would thus accord with Policies SP5, DM1, DM9 and DM11 of the Maidstone Local Plan 2017. Collectively these seek high quality design that respects its surroundings in terms of scale, height, materials, detailing, mass, bulk, articulation and site coverage

Conditions

10. I have imposed the standard time limit conditions for outline applications, in the interests of good planning and to provide certainty. Given that landscaping is a reserved matter, the suggested landscaping condition is unnecessary. I have imposed an ecology condition to ensure the development delivers the necessary net-gain to biodiversity. In the absence of a specific development plan policy, I have omitted the suggested condition regarding low-carbon energy, as these are matters that are covered by separate legislation i.e. the Building Regulations.

Conclusion

11. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.