



Appeal Decision

Site visit made on 10 July 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Appeal Ref: APP/U2235/W/24/3336372

52 Kent Avenue, Maidstone, Kent ME15 7HF

- 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 D Gurung against the decision of Maidstone Borough Council.
 - The application Ref is 23/504532/FULL.
 - The development proposed is the erection of 1 No dwelling with joint porch, parking, and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Local Plan Review 2021-38 (the LPR) was adopted 20 March 2024. Consequently, Policies DM1, DM9, and DM11 of the Maidstone Borough Local Plan, listed within the Authority's reasons for refusal, have been superseded.
3. Accordingly, I have made my assessment against the relevant policies of the LPR, including Policies LPRSP15 Principles of good design, LPRHOU2 Residential extensions, conversions, annexes and redevelopment in the built-up area and LPRHOU4 Residential garden land. Both parties have had the opportunity to comment on the relevant policies as part of the appeal process.

Main Issue

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

Reasons

5. The appeal site is within an established residential area, predominantly characterised by semidetached dwellings. Whilst modest domestic extensions and alterations are commonplace, local pairs of semis generally display symmetry and balance. Gaps between pairs of semis vary in size but, even at their narrowest, provide clear separation. The houses are set back from the highway, especially on Kent Avenue where a discernible building line is maintained. These features combine with long stretches of grass highway verge to create a spacious, open feel in the area.
6. The appeal property is on a tapering corner plot, oriented at an angle towards the centre of a crossroad junction. This makes the property more prominent than others in the street. Nevertheless, the appeal site respects the building line in Kent Avenue, and its undeveloped front and side gardens create an open

feel between the house and the road. In these ways the appeal site adheres and contributes to the character of the area, as described above.

7. The appeal proposal involves the erection of a new dwelling to the side of a semi, creating a terrace of three, wholly undermining the existing symmetry and balance in the pair of semis, and introducing in its place a wider building incongruous in the local setting resulting in a comparatively cramped form of development which would erode the spacious quality of the area. As a result, the proposal would harm the character and appearance of the area.
8. Whilst the proposed dwelling would leave a substantial gap to the next building in the street, it would nevertheless be far closer to the highway than any other property in Kent Avenue, leaving only a small gap to the boundary with the pavement. By infringing past the established local building line, the proposal would erode the current open feel around the appeal site and appear intrusive and dominant as a result.
9. I recognise that the local layout is not strictly uniform; it contains varied plot sizes and shapes, and flats, shops, terraced housing, and municipal buildings can all be found reasonably close to the appeal site. Nevertheless, symmetrically balanced semidetached housing is by some distance the predominant form of local development. As such, it forms the context against which the proposals would be viewed, and against which I have made my assessment.
10. I appreciate that 43 Kent Avenue and 2 Surrey Road (No 43 and No 2), which are semis close to the appeal site, have two-storey side extensions. In addition, I am particularly mindful that a semi at 48 Kent Avenue (No 48) has been extended to create a two-storey end of terrace dwelling.
11. The extension to No 43 is smaller than the appeal proposal, set back from the front elevation and down from the roof ridge to a far more significant extent. It also does not breach the building line in either Kent Avenue or Surrey Road. The extension at No 2 is also set back and down from the main ridge, and also does not breach any building lines. In addition, that plot is not on the very corner, and so not as exposed and prominent as the appeal site.
12. No 48 is directly parallel to Kent Avenue and set a significant distance back from it, meaning that the addition to it does not intrude into, or impose upon, the open feel of the area to the same extent the appeal proposal would. The size and shape of that plot has made possible the erection of a new dwelling without breaching building lines in either direction.
13. Whilst I recognise that these nearby developments contribute to the context in which the appeal proposal would be visible, and that each has unbalanced a pair of semis to some extent, the effects of each differ significantly from those of the appeal proposals as set out above, and I attach only moderate weight to them as a result.
14. I appreciate that the proposed dwelling would incorporate design features matching the appeal site, and that final details such as materials could be controlled through suitable conditions. Nevertheless, the harm identified above comes from the size and position of the proposed building, and these are not matters that such benefits could overcome. I attach very limited weight to them.

15. The proposed dwelling would appear discordant and intrusive, and harm the character and appearance of the area. In this regard it would conflict with Policies LPRSP15, LPRHOU2 and LPRHOU4 of the LPR where they require high quality design, a positive response to, unobtrusive fit with, and no significant harm to, the character and appearance of the area, as well as to the similar aims of the National Planning Policy Framework.

Conclusion

16. I recognise that the proposed development would deliver a new home in a sustainable location. Nevertheless, I have found that it would materially harm the character and appearance of the area. 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.
17. I therefore conclude that the appeal should be dismissed.

A Knight

INSPECTOR