



Appeal Decision

Site visit made on 11 September 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/U2235/W/23/3334674

2-6 Brunswick Street, Maidstone, Kent ME15 6NP

- 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 Harshad Kapadia of HSW Holdings Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 23/503453/OUT.
 - The development proposed is for the erection of five storey building comprising nine 1-bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with approval being sought for access, layout, scale and appearance. Matters relating to landscaping have been reserved. I have dealt with the appeal on this basis.
3. The Maidstone Borough Local Plan Review has been adopted on 20 March 2024 subsequent to the Council's decision notice having been issued. The Council's Appeal Statement lists those policies of the new plan that are the most relevant to this appeal. These are Policies LPRSS1; LPRSP2; LPRSP10; LPRSP10(A); LPRSP14(A); LPRSP14(C); LPRSP15; LPRHOU1; LPRHOU5; LPRTRA1; LPRTRA2; LPRTRA4; LPRQD1; LPRQD2; LPRQD6 and LPRQD7. These policies supersede Policies SP1 and DM1 of the 2017 Maidstone Borough Local Plan.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The proposal drawings illustrate a 5-storey building. The building would be taller than the ridge of the adjacent apartment block and those residential blocks at the opposite side of Brunswick Street. It would also be significantly taller than that of the adjacent car garage. Other buildings along Brunswick Street are 2 or 3-storey.
6. The appeal site forms part of Brunswick Street and within the existing context of development the appeal property would be conspicuously taller. Its design, having the same width over 5-storeys, would draw attention to the

exaggerated height of the building and particular that of the fifth storey even with a small set back to create a roof terrace. Given its overall height it would appear as an overly dominant development visually out of keeping with the character of development within which it would be sited. The proposal would not visually integrate well with the existing development within the surrounding context. Consequently, it would have a visually poor appearance within the street scene and for this reason the proposed development would be harmful. This harm would be clearly visible in public views.

7. I acknowledged that there is an part 5-storey apartment block to the rear of the site on Foster Street. Within this immediate area new larger development has taken place that fronts onto Upper Stone Street. However, the proposed development relates to the Brunswick Street street scene and can and should be considered within the context of this street scene rather than others within the wider area.
8. The appellant's statement refers to planning application reference: 18/501427/FULL. The Council advises that that development relates to an approved scheme for the erection of a 2-storey extension at roof level to create 6 flats in Medway Street. That site is on the northern side of Maidstone town and far removed from this site's context.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policies LPRSS1; LPRSP2; LPRSP10; LPRSP10(A); LPRSP14(A); LPRSP14(C); LPRSP15; LPRHOU1; LPRHOU5; LPRTRA1; LPRTRA2; LPRTRA4; LPRQD1; LPRQD2; LPRQD6 and LPRQD7 of the Maidstone Borough Local Plan Review 2024 and the provision of the National Planning Policy Framework. These policies seek, amongst other matters, development and redevelopment or infilling of appropriate urban sites to be undertaken in a way that contributes positively to the locality's distinctive character and to have particular regard to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

Other Matters

10. The proposal would make maximum use of a brownfield site and create homes that meet minimum space standards that include sustainable technology and that are comfortable and safe for both residents and visitors. It is advised that the additional storey would enable the appellant to finance the installation of a lift. I acknowledge the desire to incorporate a lift to ensure the building is accessible to all and to enable it to be repurposed, if required, in the future such as for office space.
11. I also acknowledge that the ninth unit could potentially be used as semi-independent assisted living accommodation for people with special needs and the aim of the development is to provide affordable housing, although it is not clear how these might be secured as part of this planning proposal. The additional storey would also assist finance sustainable technologies and other viability costs linked to materials, labour, and so on, that pose a risk to implementing the development.
12. The proposal would contribute to the Council's housing land supply and reduce pressure to build within the Green Belt. The site is within the urban area close to public transport and other convenient facilities. No local objection was

raised to the proposal and the development would make a contribution to the Community Infrastructure Levy.

13. Whilst these are all merits of the proposed development, they do not outweigh my concerns or justify the development. The harm that I have identified above would be clearly visible in the street scene and would be harmful to the appearance of the area. The visual harm of the development would not be outweighed by these benefits.
14. Some concerns have been raised about the processing of the planning application by the Council and the planning process. However, this is not a matter that is primarily before me in respect of this appeal, but is an issue for the local planning authority in the first instance. In any event, these concerns would not lead me to alter my findings in respect of this appeal.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR