



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: 27 September 2024

Appeal Ref: APP/U2235/W/24/3343602

Roar of 19-21 Albion Place, Maidstone ME14 5EG

- 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 J Whiting against the decision of Maidstone Borough Council.
 - The application Ref is 23/505305/FULL.
 - The development proposed is the erection of a single four storey residential block comprising 9no. units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of proposed development from the planning application form, however I note that it has been expressed differently on other documents.
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 confirms that Policies LPRSP1; LPRSP10; LPRSP14(B); LPRSP15; LPRHOU5; LPRENV1; LPRQD1; LPRTRA4 and LPRHOU2 of the new Local Plan supersede Policies SP18, DM1 and DM4 of the 2017 Maidstone Borough Local Plan.

Main Issue

4. The main issue raised by this appeal is whether the proposed development would conserve or enhances the setting of the Grade II Listed Buildings of 19-21 Albion Place.

Reasons

5. Nos 19-21 Albion Place form part of a row of Grade II Listed Buildings that the listing description indicates starts at No.7 and ends with this pair (odds). Nos 19 & 21 are early-mid 19th century 3 storey stuccoed buildings that were originally built as a house with large rear garden. The appeal site forms part of the original curtilage of the listed building, and whilst the existing hardstanding provides no enhancement to these setting of the listed buildings, the open space can still be understood as being part of the curtilage and space of the house.
6. The age of Nos 19-21, their listed status as part of a row of listed buildings, along with their original curtilage setting that remains discernible, makes these

properties and their curtilage setting of architectural and historic value and this attracts special interest for these reasons. This is their significance. The proposal would be within what would have been the rear garden of Nos 19-21 and, therefore, represents development within the setting of these Listed buildings.

7. It is suggested that there was some form of buildings on the Queen Anne Road frontage such that the original garden setting would have terminated at the back of a building. The Council contest this and advises that historic maps indicate that there were some small outbuildings, possibly garages and/or stables to the rear of some of the houses along Albion Place.
8. The loss of the majority of the rear curtilage would cause harm to the setting of these Listed buildings. Furthermore, the scale and mass of the proposed development would not respond to the historic form of the original site. As such, the proposed development would have a harmful impact upon the setting of these listed building and their significance.
9. The appellant's Heritage Statement that supports the proposal implies that the new building would not detract from the setting of the Listed building due to its distance as there would be no dominant effects. However, for those reasons set out in the above paragraphs, I disagree with the appellant on this point.
10. The proposed design due to its bulk and scale would block views through and to the rear of the Listed buildings, which can currently be seen from Queen Anne Road. Some buildings along Queen Anne Road reduce some views from this highway. Nonetheless, the Listed buildings are clearly visible from where the curtilage meets the highway and where the legibility of the original property with its rear curtilage is clearly discernible in public views.
11. Taken the above matters collectively, the proposal would cause harm to the heritage setting of Nos 19-21 Albion Place and would fail to preserve the special interest of these Listed buildings and their setting.
12. Queen Anne Road has substantially changed over the years from a row of terraced houses and the hospital on the opposite side of the road to new development of purpose-built blocks of flats. I acknowledge there are other developments within the rear curtilages of Albion Place, some of which are behind those other Listed buildings. This, to some extent has eroded the setting of this row of Listed buildings. Whilst other development has taken place, this does not justify further development at the rear of these Listed buildings where harm would occur.
13. Some curtilage to the rear of Nos 19-21 would be retained with soft landscaping that could be controlled by an appropriately worded planning condition. Whilst this would be an improvement to the current situation directly to the rear of the building, this would not obviate the harm to the setting of the Listed buildings arising from the proposed development.
14. Given the size and scale of the proposal, along with its close proximity to the Listed buildings, I consider there would be less than substantial harm to the setting of the Listed buildings. In accordance with paragraph 208 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.

15. The proposal would provide additional windfall housing boosting the supply of homes in the Borough. It would make use of a previously developed site, provide landscaping and restore a garden at the site. Whilst it is said there would be ecological benefits it is not clear what these might be. There would be some short term economic benefit during construction works and future occupiers could support local spend benefiting the economy. The proposal would make a limited contribution to housing supply and the economic vitality of the area. However, these benefits do not outweigh the harm identified above. Therefore, the public benefits of the proposal would be limited and insufficient to outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy.
16. For these reasons, I conclude that the proposed development would not conserve or enhance the setting of the Grade II Listed Buildings of 19-21 Albion Place. The proposal would, therefore conflict with Policies LPRSP1; LPRSP10; LPRSP14(B); LPRSP15; LPRHOU5; LPRENV1; LPRQD1 and LPRTRA4 of the Maidstone Borough Local Plan Review 2024 and the provisions of the Framework. These policies seek, amongst other matters, to ensure the conservation and enhancement of the town centre's historic fabric with development responding positively to the historic character of the area and to secure the sensitive management and design of development which impacts on heritage assets and their settings.
17. The appellant contends that Policies LPRSP10(A); LPRSA146; LPRHOU1; LPRHOU10; LPRTRA2; LPRQD6 and LPRQD7 of the new Local Plan 2024 are those most applicable to this appeal. However, this list omits policies of the new plan that deal with heritage assets and that are pertinent to this appeal. Policy LPRENV1 of the new plan states that "*Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and its setting. This includes responding positively to views of and from that asset*". I have found the proposed development would fail to preserve the special interest of Grade II Listed buildings and their setting.

Other Matters

18. A residential development of this site has previously been deemed acceptable with a planning permission having been granted in December 2016. The revised design of the proposal relating to this appealed scheme has, I am advised, a reduced scale and mass to that proposal previously granted planning permission. I have been provided with the advisory comments of the then conservation officer. Some of the suggestions put forward by the previous adviser have been included within the appeal scheme.
19. That previous planning permission was some time ago and predates both the Council's current development plan, even if at advanced stage at the time, and the Framework. I have considered the proposal on its individual merits and have found it to be unacceptable within the context of the current development plan and Framework. The consistency of advice and the Council's decision making is a procedural matter which if necessary should be raised with the Council away from this appeal.

Conclusion

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

Nicola Davies

INSPECTOR