



Appeal Decision

Site visit made on 24 October 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal Ref: APP/U2235/W/24/3338498

East Went, Chartway Street, Sutton Valence, Maidstone ME17 3JA

- 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 Interesting Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 23/504535/FULL.
 - The development proposed is Phased residential development comprising (1) Application for full planning permission for the demolition of existing garage, part demolition of the existing dwelling, and creation of a new access to serve the existing dwelling along with landscaping and parking and (2) Application for full planning permission for Erection of a detached 4-bedroom self-build dwelling with associated access, amenity space, landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for phased residential development comprising (1) Application for full planning permission for the demolition of existing garage, part demolition of the existing dwelling, and creation of a new access to serve the existing dwelling along with landscaping and parking and (2) Application for full planning permission for Erection of a detached 4-bedroom self-build dwelling with associated access, amenity space, landscaping and parking at East Went, Chartway Street, Sutton Valence, Maidstone ME17 3JA in accordance with the terms of the application, Ref 23/504535/FULL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. Since the Council issued its decision on the planning application, the Maidstone Borough Local Plan Review 2021-2038 (MLPR) was adopted on 20 March 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant MBLP policies are LPRSS1, LPRSP9, LPRSP14, LPRSP15, LPRQD4 and LPRTRA4. The appellant has had the opportunity to comment on these new policies.

Main Issue

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

Reasons

5. The appeal site comprises 'East Went', a two storey detached dwelling, set back from the highway behind a front car parking area and mature vegetation on the site's front boundary. A flat roof garage is positioned to the side of the dwelling adjacent to the site's side boundary, which is marked by a tall, dense hedge.
6. Policy LPRSS1 of the MLPR identifies that the Maidstone Urban Area will be the focus for development in the borough and sets out that in other locations, outside settlements, protection will be given to the rural character of the borough. The main parties agree that the appeal site is located in the countryside. Policy LPRQD4 of the MLPR outlines that outside of settlement boundaries proposals which create high quality design will be permitted, subject to additional criteria including appropriately mitigating the impact on the landscape.
7. This part of Chartway Street is defined by ribbon development, with properties generally set back from the highway. There are a mixture of detached and semi-detached houses and bungalows which occupy plots, which are of varying sizes, commensurate with their location at a transition between the more developed Maidstone Road and the open countryside to the north and south of Chartway Street. Whilst the site is located within the countryside by virtue of its location outside a defined settlement, the pattern of development, visual prominence of dwellings from the highway and relatively frequent vehicular traffic means that the intrinsic character of the area is that of a semi-rural residential street.
8. The new dwelling's side elevation would be close to the site's left hand boundary when viewed from Chartway Street. An approximately 2.5 metre wide grassed access drive runs between this boundary and the side boundary of the nearest neighbouring property, Vanguard Farm. The dwelling at Vanguard Farm is positioned further to the rear of its plot and has an L-shaped layout which distributes much of its mass away from the boundary with the appeal site. The presence of the access drive combined with the layout and form of the neighbouring property creates a feeling of spaciousness. Consequently, the proposal would be adequately spaced from its neighbour, such that it would not appear cramped or unsympathetic in its plot when viewed from public vantage points.
9. The proposal would be constructed on a part of the site which currently contains a garage and area of hardstanding, and at the time of my site visit, a parked vehicle. Therefore, the area already contains significant domestic paraphernalia and consequently I do not consider that the proposal would result in a harmful increase in domestic paraphernalia.
10. The appeal site is within the Kingswood Plateau Landscape Area, with a guideline to 'conserve and reinforce' and a recommendation to reinforce the sense of place through encouraging use of local styles and materials. The Council raises no concern in relation to the proposed materials or architectural

design in isolation. The proposal would be built within an existing residential curtilage, and visually contained between two existing residential dwellings without encroaching onto the more open, adjacent agricultural fields to the rear of the appeal site. The new dwelling would be seen in the context of, and contained within, the existing ribbon development and consequently the landscape character would be conserved.

11. The demolition of East Went's side extension would create visual and physical separation between the proposal and the existing dwelling on the site. Due to the variation in plot sizes and widths within Chartway Street I do not find that the density of the proposal and existing dwelling, or the width of the plot, would appear at odds to the character of the area. In coming to this view, I have taken account of the fact that the dwelling approved under Council Ref: 21/505080/FULL, may also be constructed on the western side of East Went in the future.
12. Although the boundaries of some properties are lined with green hedgerows, there are a number of nearby properties, including the two bungalows on the opposite side of Chartway Street, which do not have mature vegetation on their front boundaries.
13. An area of boundary vegetation would be removed to enable the creation of a new vehicular access. Whilst this would have a slight urbanising effect, given the local variety in front boundary treatments it would not be an uncharacteristic feature within the street. I note that the submitted drawings indicate that the existing shrubs between the vehicular accesses would be retained but cut back. Furthermore, the appellant's Arboricultural Impact Assessment indicates that adequate space is available at the front of the site to incorporate additional tree and shrub planting. This would provide softening of the proposal's visual impact. I have imposed a condition which requires details of a landscaping scheme, and which can include details of planting to the front boundary.
14. Whilst it would have a larger bulk and mass than the existing garage at the site, for the reasons identified above, the proposed built form would not cause 'significant harm to the rural character and appearance of the area' as set out in subsection 2 of Policy LPRSP9 of the MLPR. Nor do I find overall conflict with Policies LPRSS1, LPRSP14, LPRSP15 and LPRQD4 of the MLPR, the Landscape Character Assessment (2013) or the provisions of the Framework insofar as they require, amongst other matters, development to be of high-quality design respecting local, natural and historic character and which expects development in the countryside to maintain or enhance local distinctiveness.
15. The Council also alleges a conflict with LPTRA4 of the MLPR with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

16. Concerns have been raised in relation to the potential loss of privacy for occupiers of Vanguard Farm. Two first floor windows are proposed on the elevation facing this property. One window will serve a family bathroom, which is likely to be obscure glazed. The other window would serve a bedroom and therefore cannot be obscure glazed. However, Vanguard Farm is located

further to the rear of its plot, and this window would mainly have views towards the front of the property which is already visible in views from the public highway. Whilst Vanguard Farm has a dormer window above its garage facing the appeal site, as a result of the neighbouring property's L-shaped design there would be a generous separation distance from the proposal and I do not find that there would be a harmful level of overlooking. A first floor rear balcony is proposed. The appellant has confirmed that privacy screens can be affixed to the side of the balcony to direct views to the rear of the appeal site, away from Vanguard Farm. The installation and retention of the privacy screens can be secured by condition, and I am satisfied that this would prevent a harmful effect on the neighbouring occupiers' living conditions.

17. In relation to the loss of trees, the appellant's Arboricultural Impact Assessment states that five individual trees and two groups of trees require removal to facilitate the proposals. These are assessed as being of low quality and value, whereas identified moderate and high value trees are to be retained on site. Notwithstanding this, I have included a planning condition which requires details of planting, and which requires the replacement, within the next planting season, of any vegetation which dies or becomes damaged or diseased. This will ensure additional planting to soften the appearance of the development.
18. Concerns have been raised in relation to the creation of a new vehicular access and the absence of a pavement on this stretch of the highway. I note that Kent County Council Highways have considered the effect on the highway and raise no safety concerns. I have also imposed a condition requiring the provision and maintenance of visibility splays for the new vehicular access. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on these matters which was that there would be no unacceptable harm in these respects.

Conditions

19. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
20. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. To maintain and enhance local character, I have included conditions related to external materials and requiring the submission of details of a landscaping scheme.
21. A condition requiring the implementation of renewable or low-carbon sources of energy is necessary to guarantee an energy efficient development. A condition securing on-site ecological enhancement is necessary in order to ensure the development protects and improves biodiversity features of the site.
22. A condition related to privacy screening on the rear balcony is necessary in the interests of the living conditions of neighbouring occupiers. A condition requiring the provision of visibility splays is necessary in the interest of highways safety.

Conclusion

23. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23/10/01 REV E; 23/10/02 REV C; 23/10/03 REV B; 23/10/04 REV A; 23/10/05; 23/10/06; 23/10/07. REV A; 23/10/08 REV A; 23/10/09 REV A; 23/10/10 REV A; 23/10/11; Oak_23-135; Oak_23-135; Oak_23-135; Oak_23-161; and 31991-H-01-P1.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved drawings.
- 4) The development shall not be occupied until details of privacy screening for the first floor rear balcony, which is 1.7m in height as measured from the floor level adjacent to the screen, has been submitted to the Local Planning Authority and approved in writing. The development shall not be occupied until the privacy screening has been installed. Once installed the privacy screening shall be retained thereafter.
- 5) The development shall not be constructed above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 5 year management plan.
- 6) All approved landscaping shall be in place prior to first occupation of the approved dwelling. All landscaping shall be carried out during the planting season (October to February). Within five years from the first occupation of the approved dwelling, any landscaping which is removed, fails to establish, dies or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the

approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

- 7) The development shall not be constructed above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted 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 prior to first occupation of the approved dwelling hereby approved and all features shall be retained and maintained thereafter.
- 8) The development shall not be constructed above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation and maintained thereafter.
- 9) The visibility splays shown on plan no. 31991-H-01-P1 shall be free of any obstruction exceeding 0.9 metres in height and shall be retained as such thereafter.

END OF SCHEDULE