



Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2024

Appeal Ref: APP/U2235/W/24/3347252

41 Boughton Lane, Maidstone, Kent ME15 9QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Leslie Hutchinson (Building Design Studio) against the decision of Maidstone Borough Council.
 - The application Ref is 24/501084/FULL.
 - The development proposed is for the demolition of a garage and the erection of a detached dwelling including associated and alterations to existing parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of a garage and the erection of a detached dwelling including associated and alterations to existing parking and landscaping at 41 Boughton Lane, Maidstone, Kent ME15 9QW in accordance with the terms of the application, Ref 24/501084/FULL and the plans submitted with it, subject to the conditions set out in Annex A.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, I am satisfied that any changes to the Framework have not prejudiced any party in this case. Consequently, in reaching my decision I have therefore had regard to the new Framework published in December 2024, and any reference to Paragraph numbers are to this version.
3. Following the submission of the planning application subject of this appeal the new Maidstone Local Plan Review 2024 (MLP) was adopted by the Council. All Policy references are to this version as given on the Council's decision notice.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and,
 - nearby trees.

Reasons

Character and appearance

5. The appeal site is located in an established residential area at the junction of Broughton Lane and Pleasant Lane. The built form in the surrounding area is typified by a mix of traditional style brick and tile or weatherboarded dwellings that face onto the highway. The dwellings have parking spaces or landscaped areas to the front and gardens to the rear. The host dwelling at 41 Boughton Lane is a generous corner plot that is lined by hedges to the front and mature trees and hedges to the side and rear, including those found on Pleasant Lane which is more rural in appearance than Broughton Lane.
6. A previous planning permission¹ for a two-storey dwelling with an integral garage on the site was allowed following appeal. This development has already commenced on the appeal site. The proposal is to construct an additional dwelling that meets nationally described space standards to the side of the extant permission. The integral garage would be demolished.
7. The proposed development would be constructed in matching materials and be similar in appearance to the dwelling under construction. The submitted drawings also show that the proposal would fit on the plot available and have a garden space to the rear. Indeed, given that the width of the wedge-shaped appeal site is substantial in comparison to the single dwelling plots nearby, the relationship with the existing dwelling would accord with the general built density of the surrounding area.
8. Additionally, while the proposal would be relatively close to the boundary lines of the appeal site it would be shielded from Broughton Lane and the houses on Pleasant Lane by established trees and hedges for those passing by. Furthermore, the thick foliage on Pleasant Lane would help to retain the 'village type character' in this specific location.
9. Small sections of the front boundary hedge are to be removed and there would be some limited encroachment on a small area of an identified tree root protection area. However, given the relative maturity of the trees and hedges, I am satisfied that the activities of the construction period and the eventual development would not result in the demise of the hedges or trees, particularly if secured by condition.
10. In addition, the proposed parking space for the development would meet the Council's required standard and be similar in nature to parking arrangements at nearby dwellings.
11. As such, given my findings above, I conclude that the development would accord with the character and appearance of the area.
12. Accordingly, the proposal would meet the aims of Policies LPRSP15 and LPRHOU2, of the MLP, Policy HD1 of the North Loose Road Neighbourhood Development Plan (2015-2031) and the Framework, which say, that subject to certain criteria, proposals for development on previously developed land (brownfield land) outside of the countryside that make effective and efficient use of land will be permitted.

¹ 23/501863/FULL

Trees

13. The appellant has submitted an Arboricultural Impact Assessment in support of his case which is clear that the development and its construction would have minimal effect on the surrounding hedges and trees. Nonetheless, the Council has outstanding concerns that the trees would come under pressure as a consequence of overzealous pruning or requests for their removal by future residents due to shading.
14. However, given the orientation of the appeal site, it is likely that there would be adequate daylight within the garden spaces at most times of the day for the purposes of sitting out, the drying of laundry or small-scale gardening. As such, future occupiers would be likely to maintain the trees in a manner that is unlikely to affect the health, longevity, or the appeal of their verdant qualities.
15. Overall, I conclude that the proposal in respect of the trees, would meet the requirements of the MLP, which says that the retention and addition of native vegetation appropriate to the local landscape and character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area and the objectives of the Framework.

Other Matters

16. Whilst not raised by the Council as a main issue, interested parties have brought to my attention the potential for additional vehicular activity related to the proposal and its likely effect on highway safety. However, as the level of activity associated with one additional dwelling is likely to be very limited and similar to the current arrangements, I do not concur that it would diminish highway safety in this location to a level of concern.
17. Moreover, as the additional vehicular activity related to construction would be short term, there would be limited inconvenience for those using the footway to the front of the appeal site, which in any event would be controlled by normal construction site management.

Conditions

18. I have considered the Council's suggested conditions against Paragraph 58 of the Framework and the national Planning Practice Guidance (PPG) and imposed the following conditions: for certainty a standard time limit condition and a condition requiring that the development is carried out in accordance with the approved plans.
19. I have also imposed a condition to protect and enhance the ecology and biodiversity on the site in the future. There is also a condition to ensure that the dwelling would meet acceptable standards for accessible and adaptable dwellings.
20. In the interests of sustainable development and energy efficiency there are conditions related to water usage and low carbon sources of energy in the new dwelling. As landscaping is specifically mentioned in the description of development, I have also imposed conditions related to landscaping and the protection of trees and hedges during construction. For similar reasons, there is a condition for parking on the site to maintain highway safety and to reduce parking stress in the area.

Conclusions

21. For the reasons given above, the appeal should be allowed, subject to the conditions set out in Annex A.

J E Jolly

INSPECTOR

Annex A: Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall only be carried out in accordance with the following plans:
 - BDS-BL-P100 Rev B, existing site location, site and block plans
 - BDS-BL-P101 Existing ground and first floor plans and elevations
 - BDS-BL-P102 Rev A, proposed site and block plan
 - BDS-BL-P103 Proposed ground and first floor and roof plans, section A-A and elevations.
 - BDS-BL-P104 Rev A, front elevations
 - BDS-BL-P104 Rev A, elevations
 - BDS-BL-P105 Rev A
 - BDS-BL-P106 Rev A
 - BDS-BL-P107 Existing garden, shed floor plans and elevations.
- 3) The development hereby approved shall not commence above slab level until a scheme for the enhancement of biodiversity on the site has 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 building structure by means such as swift bricks, bat tube or bricks and measures on the wider site such as habitat piles. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.
- 4) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
- 5) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter.
- 6) The development hereby approved shall not commence 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 the local planning authority for written approval. The approved details shall be implemented prior to first occupation of the individual dwelling hereby approved and all features shall be maintained thereafter.

- 7) No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the Council.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*****End of Conditions*****