



Appeal Decision

Site visit made on 12 December 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2025

Appeal Ref: APP/U2235/W/24/3342107

Carman's Close, Loose, Maidstone ME15 0DR

- 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 Plaxtol Investment Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 23/503590/FULL.
 - The development proposed is demolition of 3no. garages, reconfiguration of garden land and the erection of 2no. detached dwellings with associated development at Carman's Close, Loose, ME15 0DR.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.
3. Since the Council issued its decision on the planning application, the new 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 has clarified the relevant MLPR policies reflected in the reasons for refusal are LPRSS1, LPRSP9, LPRSP15 and LPRQD4. The appellant has provided comments on these 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 garages, associated hardstanding and garden land to the rear of 92, 94 and 96 Linton Road. It is accessed from Carman's Close which is a residential cul-de-sac. Carman's Close is defined by a mixture of brick built detached and semi-detached properties and small blocks of terraced properties which share unifying design features. These include first floor level timber boarding or hanging tiles and barn hipped roofs and pitched roofs that are broken up with chimneys and projecting gables.
6. Many properties on Carman's Close have single or double garages with contained areas of hardstanding immediately in front. This layout retains space for grassed

verges, front gardens and a variety of hedgerows and planting across the frontage of residential plots, which positively contribute to the area's verdant character.

7. When viewed in isolation, the design, scale and materials of the two houses are comparable to the other detached dwellings on Carman's Close. However, the proposal would introduce a significant amount of hardstanding which would cover a substantial area of the front of the appeal site.
8. In particular, there would be a very large expanse of hardstanding to the front of the dwelling at Plot 2. This is highlighted within the vehicle swept path analysis within the appellant's Transport Technical Note. The hardstanding would cover approximately two thirds of the plot's frontage, leaving minimal space for any meaningful landscaping. The very large expanse of hardstanding would be particularly at odds to the generously sized adjoining grass verge surrounding 1 Carman's Close. Overall, it would be an austere, urbanising feature which would cause significant harm to the character of the area.
9. In determining a previous appeal¹ for demolition of 3no. garages, reconfiguration of garden land and the erection of 3no. terraced dwellings, 2no. garages and a store, the Inspector found the scale of the building would be noticeably bulkier than other buildings in the area, and the site would appear cramped. In contrast, the two proposed detached dwellings would provide spacing between each other creating visual relief and distinction between the buildings. The two dwellings would have single storey elements with hipped roofs pitching away from the appeal site's side boundaries and the position of the houses would also be set in from the site's side boundaries, in a similar manner to the neighbouring properties. This would help provide visual separation between the buildings and the layout of the proposal ensures that it would not appear cramped within the appeal site.
10. The two dwellings would have a greater setback from the highway than the previous appeal proposal. Consequently, the proposal would broadly follow the prevailing building line on this stretch of Carman's Close.
11. The main parties refer to Policy LPRHOU1 of the MLPR which addresses development on brownfield land. However, in this instance, as I have found that the expanse of hardstanding would be harmful to the appearance of the area, the proposal would not comply with criterion 2b of the policy which requires that proposals meet policy requirements as set out elsewhere in the plan.
12. I am in agreement with the previous Inspector who concluded that the proposal would not lead to any coalescence between settlements or have an unreasonable urbanising effect given the site is surrounded by built form. However, the proposal includes an excessive amount of hardstanding which would cause significant harm to the character and appearance of the area and would leave insufficient space for meaningful landscaping. As a result, the proposal would conflict with Policies LPRSS1, LPRSP9, LPRSP15 and LPRQD4 of the MLPR and Policies LP3 and DQ1 of the Loose Neighbourhood Plan (2018-2031) which collectively seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area.
13. The proposal would also conflict with those principles of the Framework that seek good design sympathetic to the local area.

¹ APP/U2235/W/23/3321035

Other Matters

14. The main parties are in agreement that the site is within easy access to services, facilities and public transport links without the need for a private car. The proposal may be compliant with various other provisions of the development plan, and I have found no harm in relation to any matters other than the impact on the character and appearance of the area.
15. I note that paragraph 125 c) of the Framework states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and that such proposals should be approved unless substantial harm would be caused. However, whilst the appeal site is brownfield land, it is designated as countryside for the purposes of the MLPR rather than being within a settlement.
16. The Framework seeks to significantly boost housing supply. It also encourages the optimal use of underutilised land and recognises that small and medium sized sites play an important role in the continued delivery of housing. The proposal would contribute to the local housing supply and would represent a more efficient use of land. However, these factors would not weigh sufficiently in favour of the proposed development to outweigh the harm to the character and appearance of the area which I have identified.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR