



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: 14th January 2025

Appeal Ref: APP/U2235/W/24/3346136

5 Senacre Lane, Maidstone, Kent ME15 8HB

- 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 Bruno Machado (bMAC STUDIO Architecture) against the decision of Maidstone Borough Council.
 - The application Ref is 24/500948/FULL.
 - The development proposed is for the demolition of an existing garage and the erection of 1 No three-bedroom dwelling (resubmission of 23/501057/FULL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. The parties have had the opportunity to comment on the new document. 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. At the time of application for the above proposal the Maidstone Borough Local Plan Review (2024) was yet to be fully adopted by the Council. Therefore, the Council has relied upon both the Review and the Maidstone Borough Local Plan (2017) (MLP) on its decision notice. However, the Review policies have now superseded those in the MLP. As the Council have confirmed in writing that the new policies do not alter its decision to refuse planning permission for the proposed development, I have proceeded accordingly.

Main Issue

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

Reasons

5. The appeal site is located within the garden space to the rear of 5 Senacre Lane and faces onto the dwellings in Sutton Heights. The immediate surrounding area is typified by two-storey, gable-roofed terraced dwellings that have individual garden spaces to the rear and parking or landscaped areas to the front. The dwellings are further typified by brick elevations with regular fenestration patterns.

6. The appellant has brought to my attention a similar scheme for the site¹ that was refused by the Council. Changes to the previous proposal for the site are also acknowledged. These changes include lower eaves and a more traditional roof pitch. Nonetheless, as I have limited details of the initial scheme before me, I have considered the proposal on its own planning merits.
7. The proposed development would be located in an established residential area. As such, the general principle of development on the site is accepted. However, while the Council has conceded that the revised roofscape no longer forms part of its objection to the scheme, the fact remains that the development would face directly onto the road at the end of the severed host garden plot. This arrangement would be incongruous with the surrounding pattern of development which is typified by dwellings set back from the road with unfettered garden spaces to the rear which helps to contribute to a sense of spaciousness in this location.
8. Moreover, notwithstanding the Wheatcroft Principles², even if the proposed façade materials could be altered by means of an acceptable condition(s) when viewed in context with the revised roof-scape the proposed development would still have relatively low placed fenestration at first-floor level. Consequently, the proposal would be at odds with the appearance of the nearby built form on Sutton Heights, that has fenestration that appears to be in proportion to the forward elevations and the host roofscapes above.
9. Accordingly, the proposal would not meet the aims of Policies LPRSP15, LPRHOU2 and LPRHOU4 of the Maidstone Local Plan Review (March 2024) which require, amongst other things, that proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area, and that particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

Other Matters

10. There would be some limited economic, social and environmental benefits associated with the scheme, including employment opportunities during construction, the patronage of local services by the new occupiers and replacement of a garage with a new home on a relatively underused space. However, while mindful of recent changes to the Framework that places an emphasis on housing supply, even in combination, these matters do not outweigh the substantial harm to the character and appearance of the area I have found above.

Conclusions

11. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR

¹ APP/U2235/W/23/3325792

² Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL, 1982, P37) - Annexe M of the Procedural Guide, Planning Appeals, England (2019) and the national Planning Practice Guidance (PPG) advise that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal, rather a fresh planning application should usually be made. Moreover, it is important that the evidence which is considered by the Inspector is essentially the same as that which has been considered by the Council, and on which interested parties' views were sought.