



Appeal Decision

Site visit made on 11 February 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal Ref: APP/U2235/W/24/3355117

Hilton Court, Ashford Road, Harrietsham, Kent ME17 1AJ

- 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 Mohammed Khalleeque against the decision of Maidstone Borough Council.
 - The application Ref is 24/503213/FULL.
 - The development proposed is the change of use of the old canteen to a 3-bedroomed detached property by a hip to gable rear roof extension, dormer addition to the West facing elevation with obscure window and two dormers to the East facing elevation and a new 4-bedroomed detached double storey residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The post code provided in the application form differs from that in the appeal form. The appellant has confirmed that the post code for the appeal site is ME17 1AJ and I have used this in the banner heading above.
3. The proposal before me follows a scheme that has been allowed at appeal¹ for the change of use of the existing schoolhouse to residential dwellings and construction of detached dwelling on the appeal site. I have had regard to that decision only insofar as it is relevant to my assessment of the main issues in this case, but I have determined the appeal based on the evidence and the details of the proposal before me.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including its effect on the significance of the non-designated heritage asset (NDHA); and
 - whether acceptable living conditions would be created for future occupiers with particular regard to the private external space.

¹ Appeal Ref: APP/U2235/W/22/3303912

Reasons

Character and appearance

5. The site comprises a former schoolhouse which occupies a central position within the plot. The outbuildings around the site for additional classrooms and canteen are sited near the eastern and northern boundaries of the site. Given their size and gap to the schoolhouse, these outbuildings have a subservient appearance to the main schoolhouse. The site is predominantly hard landscaped and it includes various trees which are covered by Tree Preservation Orders.
6. The schoolhouse is a NDHA and its significance derives, in part, from the relatively well-preserved form of its historic architectural character, comprising a Tudor-style and incorporating local building materials. The evidence indicates that the single storey building was constructed in 1844 as a purpose-built school and formed one of four Booth Charity Schools. The location of the building within its own grounds, on the corner of Church Road and Ashford Road, heightens its significance given that it is relatively prominent within the local streetscape.
7. The Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. Despite its status as a NDHA and its significance in this regard, the building is currently in a poor state of repair and its grounds appear overgrown and untidy. In addition, there are many outbuildings within the grounds of the schoolhouse, some of which comprise more modern materials and a flat roof design. Taken together, these features result in harm to the significance of the NDHA.
9. The proposed development includes the erection of a two-storey detached dwelling at plot 4. This dwelling would have a relatively traditional appearance, however it would be a substantial building that, by virtue of its height, size and scale would compete with the schoolhouse. Despite the existing boundary trees, the dwelling would be apparent when viewed from the surrounding area, thereby eroding the prominence of the NDHA within the street scene. As such, the proposal would compromise the ability to appreciate the significance of the asset and would harm the setting and significance of the NDHA.
10. The limited separation between plot 4 and the buildings to be converted, the extensive hardstanding and likely introduction of several boundary treatments across the site to create the plots and their gardens would give the appearance of a cluttered and cramped layout. This would further dilute the significance of the NDHA.
11. In light of the above, the proposal would cause substantial harm to the setting of the NDHA and therefore its significance. On the other hand, some features within the setting that at present have a harmful impact would be removed and the canteen building would be reused. Moreover, the school building would be restored and brought back to use. However, in my judgement, the benefits associated with the proposal would not overcome the harm to the significance of the NDHA.

12. For the reasons set out above, the proposal would have a harmful effect on the character and appearance of the area, including on the significance of the NDHA. The proposal would therefore conflict with Policies LPRSP14(B), LPRSP15 and LPRENV1 of the Maidstone Borough Council Local Plan Review 2021 – 2038 (2024) (LPR). These policies support proposals of high-quality design and seek 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.

Living conditions

13. The appeal site is situated on the corner of Ashford Road and Church Road. A Railway line is located adjacent to the north boundary. As such, the external noise sources close to the site include road traffic noise and noise from the trainline. Within the site, there is potential for noise to arise from the vehicular access and car parking.
14. The appeal submission is supported by a Noise Impact Assessment (NIA). However, the NIA does not relate to the scheme before me and therefore it is not possible to assess the noise impacts of the proposal. In addition, the NIA does not consider the effect of noise within the private gardens.
15. Without any certainty in relation to these matters, I cannot conclude that the proposal would have no harmful effect on the living conditions of future residents in terms of private external space. The proposal would therefore fail to accord with LPR Policy LPRSP15, which amongst other things seeks to ensure that adequate residential amenities for future occupiers of the development are provided by ensuring that proposals do not result in, or its occupants are exposed to excessive noise.

Other Matters

16. In comparison with the scheme allowed at appeal, the previously approved detached dwelling would be relocated and the double garage omitted. However, the evidence indicates this garage is a subservient building, and therefore would not justify the proposed development.
17. My attention is drawn to other residential developments which have taken place near the appeal site. While it may be that the proposal would have a lower density than these residential developments, this would not overcome the harm to the significance of the NDHA.
18. The appellant asserts that the cost viability of the approved development would be difficult, however no robust evidence has been provided to demonstrate this. In any event, I am not persuaded that the scheme before me is the sole means to achieve a viable development on this site.
19. The proposal would support the Government's aim of significantly boosting the supply of homes. Some ecological benefits would be delivered. However, given the modest number of dwellings proposed, these benefits would carry limited weight in favour of the proposal.
20. I note the comments received which address matters related to tree management. However, I am not persuaded that this proposal is the sole means to ensure that the trees within the site are adequately managed. There is support for the proposal

from the Parish Council. However, the matters raised would not overcome the harm I have found in relation to the main issues.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR