
Appeal Decision

Site visit made on 2 April 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/U2235/D/24/3356151

19 Castle Dene, Maidstone, Kent ME14 2NH

- 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 Ms Geraldine Nkini Ndzi against the decision of Maidstone Borough Council.
 - The application Ref. is 24/501948/FULL.
 - The development proposed is for the change of use of the garage to a habitable room, addition of a dormer in the loft and change of use of a single dwelling to an HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the garage to a habitable room, addition of a dormer in the loft and change of use of a single dwelling to an HMO at 19 Castle Dene, Maidstone, Kent ME14 2NH in accordance with the terms of the application Ref. 24/501948/FULL, subject to the following 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: 0160-DIA-XX-00-DR-A-XX- X021, 0160-DIA-XX-00-DR-A-XX- X024, 0160-DIA-XX-00-DR-A-XX- X131 (ground floor), 0160-DIA-XX-00-DR-A-XX- X021 (first floor), 0160-DIA-XX-00-DR-A-XX- X138, 0160-DIA-XX-00-DR-A-XX- X205, 0160-DIA-XX-00-DR-A-XX- X206, 0160-DIA-XX-00-DR-A-XX- X311, 0160-DIA-XX-00-DR-A-XX- X312.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby approved shall have no more than 7 separate occupants living in the building at any given time.
 - 5) Prior to the first occupation of the accommodation hereby approved, facilities for the storage and screening of refuse bins shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be retained and maintained as such thereafter.
 - 6) Prior to first occupation of the approved accommodation, measures taken for the on-site enhancement of ecology shall be in place, that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of ecology including bird boxes, bat boxes, and bug hotels. All features shall be maintained permanently thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area, having regard to traffic and general intensification of the site.

Reasons

3. The appeal site is a detached chalet bungalow on Castle Dene with off-street parking on a driveway to the front. The street scene broadly comprises of dwellings of varying size and design, set on land sandwiched between the River Medway to the west and the A229 to the east.
4. The appellant avers that the property could be converted to a six-bed House in Multiple Occupation (HMO) without the need for planning permission under Class L of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). I note that the Council agrees with this position, and I see no reason to doubt that the appellant would exercise this right were the appeal to fail. Accordingly, this forms a valid fallback position for the appellant and carries significant weight.
5. I appreciate that the proposal would intensify the use of the property, that would not be typical of family accommodation found elsewhere in the vicinity, and that occupiers would be generally unrelated with a higher likelihood of more independent living. This could lead to increased activity as occupants go about their daily business, for example shopping trips or recreational pastimes, and potentially higher visitor numbers attending for social interaction.
6. However, set against the six person HMO that the appellant can create without the need for planning permission, to my mind one additional resident would not increase the use of the dwelling to a harmful degree in terms of noise or disturbance. There is no technical evidence before me to suggest that the proposal would have an injurious effect, or that the building would not meet suitable acoustic requirements.
7. A dropped kerb exists to the front of the property, which would allow for off-street parking similar to other properties in the locale. Whilst Castle Dene is a busy road, at the time of my site visit there was capacity for parking on the highway within the immediate area, and I note there are no objections to the scheme from the County Highways Department. Overall, I have not been provided with sufficient grounds to persuade me that one further occupant would put a severe strain on the existing parking situation in the vicinity of the site as to result in inconvenience, congestion or detriment to visual amenity.
8. I have had regard to other matters raised including that the proposal would cause antisocial behaviour, that it would not be an appropriate use for the neighbourhood, and concern over the management and overcrowding of the property. However, I do not have substantive evidence to support these claims, and although I sympathise with the strength of local feeling on the issue, there are no sound planning reasons for the appeal to be dismissed based on the policy provisions before me.
9. I conclude that the scheme would not be deleterious to the character and appearance of the local area, having regard to traffic and general intensification of the site. It would comply with Policies LPRSP15 and LPRHOU2 of the Maidstone Borough Council Local Plan Review 2024 and the provisions of the National Planning Policy Framework (the Framework), which advocate good design and safe and healthy living conditions.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing property would provide for a satisfactory appearance.
11. Limiting occupation to 7 residents would accord with the appellant's intentions and ensure no further intensification occurs, with conditions relating to refuse storage and ecology imposed in the interests of visual amenity and biodiversity enhancement.

Conclusion

12. Based on the foregoing and having regard to all other matters, the appeal is allowed.

C Hall

INSPECTOR