



Appeal Decision

Site visit made on 8 April 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/U2235/W/24/3357159

The Grange, Ashford Road, Lenham, Kent ME17 2DA

- 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 and Mrs Miller against the decision of Maidstone Borough Council.
 - The application Ref is 24/503245/FULL.
 - The development proposed is the erection of a self build new detached dwelling following demolition of existing property and associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

3. The main issues are the effect of the development on (a) the rural character and appearance of the countryside, and (b) protected trees.

Reasons

Character and appearance

4. The appeal site is an existing residential dwelling located in a large rectangular plot with access from Ashford Road. The site is close to but outside of the settlement boundary of Lenham. As such, the site is within an area designated as countryside in the Maidstone Borough Council Local Plan Review 2021-2038 (the Local Plan). The character of the area is rural with residential development in and around the appeal site comprising traditionally designed dwellings in spacious and verdant plots set back from the road behind mature boundary vegetation.
5. Whilst the site is not subject to any special landscape designations, the Local Plan is clear that the countryside is highly sensitive to development and includes several policies that seek to ensure development does not result in significant harm to the rural character and appearance of the area. Specifically, Policy LPRHOU11 relates to replacement dwellings and requires along with other matters that they are no more visually harmful than the original dwelling.

6. The appeal scheme proposes to replace the existing dwelling on the site. The existing property has undergone previous extensions, resulting in an already increased size and volume from its original construction and a somewhat fragmented appearance. The existing dwelling is visible from Ashford Road following the removal of some of the frontage vegetation.
7. The replacement dwelling, however, would have a significantly greater scale, bulk, and mass when compared to the building it would replace. The proposed dwelling also features a Georgian architectural style that would have a more angular and bulky appearance than the existing property. The increased scale, bulk and blocky appearance would also be highly visible from the road due to the gaps in the frontage trees and appear as an excessively large and dominant building when compared to the dwelling it would replace. The proposed mass and volume along with its architecture would, therefore, result in a building that is more visually harmful to the rural character of the countryside than both the existing dwelling and how would have appeared originally.
8. I acknowledge that the Council has confirmed that further extensions to the existing dwelling can be built as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. I also acknowledge the appellant's contention that to implement these rights would exacerbate the incohesive design of the existing property.
9. However, as confirmed in the information before me these further extensions would be subservient additions to the existing dwelling. The resulting extended dwelling would still be smaller than the appeal proposal and correspondingly have less visual harm in terms of scale, bulk and mass. The incongruous size and bulky form of the appeal proposal, particularly at first floor and roof level, also denudes any benefits that can be derived from the more comprehensive design approach proposed. Consequently, what could be constructed through permitted development rights at the site does not provide adequate justification for the harm identified.
10. Furthermore, the proposal would be notably different in design and appearance to its immediate neighbours, Faygate to the west and The Nurseries on the opposite side of the road to the northeast. Whilst there are large separation distances between the appeal site and these properties, they are still prominently visible from within the site and together they appear as a small group of large properties that relate to each other in design terms.
11. Faygate and The Nurseries are distinguished by hipped roofs, red brick, hanging tiles, and bay windows. Although the existing dwelling has a somewhat disjointed appearance due to previous extensions, it still retains similar features to its neighbours and successfully integrates within its immediate context. Conversely, the proposed development presents a significantly different architectural style that lacks any design coherence with Faygate and The Nurseries. Additionally, with the removal of some frontage vegetation, there is a visual connection between The Nurseries and the appeal property, as seen from Ashford Road, that would be adversely impacted by the discordant design of the proposed development.
12. The proposed yellow brick and black windows would notably contrast with the materials used in the adjacent properties. It is noted that the appellant is willing to change materials to red bricks, which could be addressed through conditions.

However, there are more fundamental design issues related to scale, bulk, mass, and style that would persist even with a change to red bricks. Therefore, the ability to control materials through conditions is given limited weight in this decision.

13. I acknowledge the appellant's contention that there is a more diverse range of development and styles in the wider area. While this illustrates that there is likely some variation in the broader character of the area, this does not justify the incongruous design and form of the appeal proposal, which set out above would result in unacceptable visual harm to the rural character of the countryside within its specific site and immediate context.
14. In conclusion, the design along with its increased scale, bulk, and mass, would result in a disproportionately large and incongruous appearing dwelling that would not integrate successfully with the street scene. The proposed dwelling would be more visually harmful to the rural character and appearance of the countryside than the existing building, which is an area highly sensitive to development according to the Local Plan. The proposal is, therefore, contrary to Policies LPRSP9, LPRSP15, LPRHOU11, and LPRQD4 of the Local Plan, all of which aim to preserve the rural character and appearance. It also does not align with Paragraph 135 of the Framework, which emphasises the need for development to be sympathetic to local character.

Trees

15. The information provided indicates that there are trees on the site subject to a Tree Preservation Order (TPO). However, it is unclear from the information before me what impact the proposal, including modifications to the frontage parking, would have on these TPO trees. If I had been minded to allow the appeal, further details would be required to address this issue, including whether permitted development rights offer a legitimate fallback. However, as the proposal is unacceptable for other reasons, I do not need to consider this matter further.

Other matters

16. I note the letters from neighbours providing support for the proposal. However, as I have identified there would be harm to the rural character and appearance of the area arising from the scale, mass form and design of the proposal, these letters of support weigh neither for nor against the proposal.

Conclusion

17. The proposed development would result in harm to the rural character and appearance of the countryside in conflict with several development plan policies. There are no material considerations advanced that outweigh the conflict with the Development Plan. Therefore, for the reasons given, the appeal is dismissed.

N Perrins

INSPECTOR