



Appeal Decision

Site visit made on 21 July 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/U2235/W/24/3353565

15-17 King Street, Maidstone, Kent ME14 1BA

- 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 Suresh Velani, Velani Corporation, against the decision of Maidstone Borough Council.
 - The application Ref is 24/501639/FULL.
 - The development proposed is the change of use of part of ground floor and whole of first floor to a co-living HMO (Sui Generis) comprising 20no. bedrooms, associated communal facilities and bin and bike storage, including erection of a mansard roof to form second floor and insertion of 11no. front and side dormers.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Suresh Velani, Velani Corporation, against Maidstone Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the address and the description of development given in the appellant's appeal form as this more accurately identifies the property and the permission sought. I have taken account of an additional drawing submitted with the appeal (No.A107) showing a street-scene elevation which the Council has had the opportunity to comment on.
4. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on this revision, and I have considered comments raised in my decision.
5. The appeal site lies within proximity to several listed buildings. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In relation to all heritage assets, Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issue

6. The main issue is the effect of the proposal on the significance of designated and non-designated heritage assets.

Reasons

7. The appeal property is a relatively modern, L-shaped building range with frontages to King Street and Church Street. Buildings on King Street typically have a more commercial appearance and often greater massing, whilst those on Church Street mainly reflect the appearance and scale of domestic properties. Overall, the buildings immediately adjacent to the appeal property exhibit a more traditional form and detailing, being mainly two storey properties with vertical proportions, have tiled, pitched roofs and period detailing. The appeal property, with its pitched roof, largely consistent eaves height, traditional shopfronts, sash windows and decorative eaves detail, reflects this traditional character. Its division into several visual units also breaks up the building's bulk and form which helps to reflect that of the buildings on Church Street. The prominent corner tower, although a clearly modern detail, is a notable feature which articulates and accentuates the corner of the building and adds interest and legibility to the street scape. These and other features result in a building which makes a positive contribution to its context.
8. No.52 and 54 King Street (No.52 and 54) is a Grade II listed building which lies close to the appeal property. This distinctive timber frame building, with a tiled roof, dates from the 17th century and is of three storeys with two gables facing the street and an overhang between the upper floors. For the purposes of this appeal the building's significance mainly derives from its considerable age, historic fabric, form and its architectural features. Although the setting of No.52 and 54 has been somewhat compromised by rather dominating buildings to its sides and rear, the buildings opposite, including the appeal property, and those along Church Street, are of a scale and character which help reinforce the building's significance.
9. Whilst the appeal property lies outside the Maidstone Holy Trinity Church Conservation Area, it is clearly viewed in conjunction with the historic properties on Church Street which lie within it. This includes ranges of period properties which stagger up the slope and Holy Trinity Church at the top which terminates the view and is the main focal point within the conservation area. The Council's conservation area character appraisal (2007) identifies several buildings along this part of Church Street which are identified as non-designated heritage assets, including Cutbush Almshouses with its distinctive half-hipped gables facing the street and decorative features. Based on the character appraisal and my observations, I consider that the significance of the conservation area is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them.
10. Holy Trinity Church is a Grade II listed building dating from the 19th century, built of ragstone ashlar with its frontage to the west and an imposing square tower above. Its significance mainly derives from its age, historic fabric, form and function, and its architectural features. Given its elevated presence and its position, the church has a strong visual connection with mainly traditional buildings on Church Street, and this view extends down to No.52 and 54 which terminates this southerly view.
11. The appeal building forms part of these interconnected views between the church and No.52 and 54, and for the reasons explained above, it makes a positive

contribution to the way that these buildings are appreciated and experienced. It therefore follows that the appeal building also contributes positively to the context in which the conservation area is seen.

12. The appeal proposal seeks to convert part of the building to a 20-bedroom HMO including the addition of a mansard roof to accommodate a second floor. It would retain the existing brick building, and the roof would be clad in a lead colour zinc, with green sedum roof including a wildflower mix and incorporate dormer windows to the frontage. It is also proposed to replace the timber windows with UPVC.
13. The proposed roof, extending across the whole of the building range in a uniform height and fashion, would result in a significant increase in the visual dominance of the roof and the massing of the building both horizontally and vertically. The dormers and zinc cladding would add to this visual prominence. Although it is not proposed to increase the overall height of the roof, its considerably altered form and appearance would erode the design quality of the existing building. A mansard roof form may be an accepted traditional building detail, but it is not appropriate in all cases, and it would appear as a poorly related feature of the building. It would therefore result in a much more imposing and bulky building which would no longer integrate to the same extent with the scale and character of adjoining buildings. It would be particularly impactful on the generally smaller scale and verticality of the buildings on Church Street. The changed roof form would also encroach on the corner tower, awkwardly wrapping around it and eroding its legibility and prominence. The different roof materials between the tower and mansard roof would also be visually jarring. The proposed gable elevation to Church Street would appear heavy and poorly detailed, exposing the profile of the building form and the prominence of the flat roof. There is also inadequate building detailing provided to illustrate elements including the eaves, junction with the corner tower and windows. Whilst this could be provided by condition, were I to allow the scheme, it would not make the proposal acceptable.
14. The failure of the proposal to integrate with the building and surrounding streetscape would therefore erode and harm the way that Nos 52 and 54 and the church are seen and appreciated. It would also have a more dominant and obtrusive presence in the views from the conservation area. The significance of these designated heritage assets would therefore be diminished.
15. There are other large and dominant buildings in the area, especially along King Street, including some with steep mansard roofs. However, they do not justify the proposed design approach to this building in its particular context which includes the smaller scale buildings along Church Street, the proximity to the designated heritage assets and the design quality of the existing building. I have also taken account of the analysis of the prevailing roof heights and forms and the new street-scene elevation along Church Street, but they do not convince me that the proposed development would assimilate well with its context.
16. The appellant suggests that had the proposal been for a C3 residential scheme then the mansard storey would have been permitted development. However, that is not the proposal before me, and it does adequately explain why the design proposal would be appropriate. The appellant also suggests that the windows could be changed under permitted development rights but even if this were the case it would not make the overall development acceptable.

17. Considering all the above, I find that the proposal would have a harmful effect on the significance of Nos 52 and 54 and the church. Therefore, the expectations of the Act are not met. Furthermore, the proposal would also harm the setting of the conservation area, which includes non-designated heritage assets. The harm in relation to Nos 52 and 54 would be particularly acute due to the proximity. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification.
18. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be a high level of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that this harm should be weighed against the public benefits of the proposal. Furthermore, the Framework requires that, in relation to non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
19. The development would provide a co-living scheme within an accessible town centre location and potentially could free up other housing. A boost to housing supply and an increase in the choice and mix are important Framework considerations in favour of the development. The appellant also suggests that following the revisions to the Framework, the Council can no longer demonstrate a 5-year housing land supply, and this amplifies the need for housing. It is also suggested that the development would maximise the use of the building and would have sustainability credentials. The development would also have some social and economic benefits during construction and occupation and would contribute to the vitality of local services and facilities. As such, I consider that the public benefits, including those outlined above, would attract moderate weight.
20. Whilst I acknowledge the wide-ranging public benefits of the scheme in general terms, which attract moderate weight, great weight should be given to the conservation of designated heritage assets. I therefore find in this case that the public benefits would not outweigh the harm to the significance of the designated heritage assets. As such, the proposal would not comply with this important policy requirement in the Framework. In addition, there is no clear and convincing justification to the harm to the significance of the designated heritage assets. I have also found harm to non-designated heritage assets. Consequently, the proposal would conflict with Policies LPRSP14(B), LPRSP15, LPRHOU2 and LPRENV1 of the Maidstone Local Plan Review (2024). Amongst other things, these policies seek to ensure that development is of high-quality and responds positively to the historic character of the area.

Planning balance

21. At the time of making its decision, the Council advised that it had a Framework compliant supply of housing land. If I was to be persuaded that the Council no longer had an adequate housing land supply, that would trigger the presumption in favour of development as set out in paragraph 11d) of the Framework. This indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear

reason for the development proposed or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Footnote 7 of the Framework identifies designated heritage assets as assets of particular importance. I have found that the harm to the designated heritage assets would not be outweighed by the public benefits, and this provides a clear reason for refusing the development. Consequently, this disengages the presumption in favour of sustainable development as set out in paragraph 11d and the scheme should be determined under a normal planning balance.

22. I have already outlined the main public benefits of the proposal, including the additional, much needed residential accommodation, maximising the use of the building, and the energy and environmental credentials of the development. There would also be social and economic benefits to the area both during construction and occupation. The appeal site would be close to several services and facilities and would contribute to their vitality and viability. I have concluded that cumulatively these benefits attract moderate weight.
23. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters highlighted above, are clearly worthwhile but nevertheless carry only moderate weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts to the heritage assets that I have identified. That harm would be very significant and permanent and should be attributed great weight.

Other Matters

24. I have had regard to other concerns raised by interested parties, including the potential for noise, disturbance and parking issues. However, as I am dismissing the appeal for the reasons given above, it has not been necessary to consider these matters further. The appellant has concerns regarding the administration of the planning application. These matters, however, are for the Council and do not alter my findings on the main issue.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan when considered as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR