

APPENDIX

Appeal Decision

Site visit made on 12 July 2016

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2016

Appeal Ref: APP/U2235/W/16/3149302

Land to the rear of 244 to 250 Upper Fant Road, Maidstone, Kent, ME16 8BX

- 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 Mr Edward Jones against the decision of Maidstone Borough Council.
 - The application Ref 15/508874/FULL, dated 13 October 2015, was refused by notice dated 9 March 2016.
 - The development proposed is four three-bedroom houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The applicant's name provided on the application has been given as Mr Edward May however, this has been given as Mr Edward Jones in subsequent documents, including those pertaining to appeal documents. I consider the name provided in the application has been given in error.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposal on:
 - a) The character and appearance of the area; and,
 - b) The living conditions of adjoining occupiers.

Reasons

The character and appearance of the area

4. The character of the area, in general, is formed by terraced dwellings which front on to the highway with gardens to the rear. I observed on site a small number of three storey properties in Upper Fant Road, however in the main the terraced properties in the area are two storey with a small number incorporating additional accommodation within the roof space.
 5. In contrast to the surrounding development the appeal site is situated behind road frontage development. The proposed rectangular building would be erected adjacent to three of its site boundaries. The remainder of the appeal
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site would comprise parking and turning space and small decked outdoor amenity areas. The proposed building would be clearly constrained by the size and shape of the appeal site. In addition, the outdoor amenity areas would be substantially smaller in size and different in form to that of surrounding road frontage properties. As a result the proposed development would appear cramped within this constrained plot and would be out of keeping with the pattern and layout of surrounding development.

6. The proposed development would be three storeys, although the top storey would be partly contained within the roof. As noted above, the properties in the local area are, in the main, two storey. Although the land level is lower and the threshold of the ground floor and ridge height of the proposed dwellings would be lower than that of the properties in Upper Fant Road, the development would appear as a three storey building out of keeping with the existing development in the surrounding area.
7. Although the appeal site is not readily visible from Upper Fant Road, it would be clearly visible from a number of neighbouring properties and their gardens and from views from the Fant Nature Reserve and allotments to the south and south east of the appeal site. Whilst the land to the south east is a treed landscape, the contours of the land decrease, and as such, the proposed development would have an elevated position when observed from the south and south east. The declining contours of the land offer the site less screening. Whilst the proposal would incorporate decked terraces to the rear that would create a small gap between the proposed building and the Nature Reserve, the development would nonetheless be readily visible in longer views from the wider Fant Nature Reserve and the allotments to the south and south east of the appeal site.
8. For these reasons I conclude that the proposal would not reflect the development in the surrounding area and would have a harmful effect on the character and appearance of the area. The proposal conflicts with Paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) which seeks new development to take into account the character of different areas and attaches great importance to the design of the built environment and that this should contribute positively to making places better for people. The proposed development also conflicts with Paragraph 58 of the Framework which requires new development to respond to local character and reflect the identity of local surroundings and materials and to be visually attractive as a result of good architecture and appropriate landscaping.

The living conditions of adjoining occupiers

9. Although the proposed development would have a reasonable separation from the existing terraced housing along Upper Fant Road, it would be in close proximity to the private rear gardens of adjoining properties, particularly those of 242 and 244 Upper Fant Road as the gardens of these properties directly abut the appeal site. The appeal site is at a lower land level to that of the existing terraced properties. The land level of the rear gardens of these properties gently declines over the length of the gardens.
10. The proposed building would be close to the boundaries of the appeal site where they abut the rear gardens of 242 and 244 Upper Fant Road and its height and overall size would dominate their adjacent garden amenity areas. It would be clearly visible to the occupiers of these adjoining properties and

significantly change the outlook from the rear gardens. As a result, the proposed building would be visually dominant and overbearing and introduce a harmful visual intrusion that would harm the living conditions at adjoining properties.

11. Furthermore, extensive fenestration is proposed to the upper storeys of the front elevation. The proximity of the proposed building and its relationship to the adjoining gardens would enable observation of them by its occupiers from the first and second floor bedrooms, studies and landing windows. As a result, the proposed development would not afford adjoining occupiers an appropriate amount of privacy as the gardens would be directly overlooked by the future occupiers of the proposed development. This would be harmful to living conditions of existing occupiers.
12. For these reasons, I conclude that the proposed development would be harmful to the living conditions of adjoining occupiers in respect of outlook and privacy. The proposal conflicts with Paragraph 17 of the Framework which aims, amongst other matters, to ensure a good standard of amenity for all existing occupants of buildings.

Other Matters

13. I acknowledge the proposal would provide four additional family homes on a brownfield site within the urban area in a sustainable location. Whilst the proposal would contribute four dwellings to the City's overall housing supply, this benefit would not outweigh the harm identified above.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR