



Appeal Decision

Site visit made on 22 April 2014

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 9 May 2014

Appeal Ref: APP/U2235/A/14/2213789
Three Ashes, Boxley Road, Boxley ME5 9JG

- 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 Miss Emma Veazey against the decision of Maidstone Borough Council.
 - The application Ref MA/13/1760 was refused by notice dated 9 December 2013.
 - The development proposed is the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Planning Practice Guidance came into force on 6 March 2014. The content of this guidance has been considered but in light of the facts in this case it does not alter my conclusions.

Main Issue

3. The main issue in this appeal is the effect on the character and appearance of the locality, bearing in mind its designation as an Area of Local Landscape Importance (ALLI).

Reasons

4. The appeal site is located inside the urban area but is also within the Beechen Bank ALLI. The latter is one of several such areas designated under saved Policy ENV35 of the Maidstone Local Plan 2000. In these areas particular attention will be given to the maintenance of open space and the character of the landscape. In the supporting text it is indicated that these areas perform a vital local function by demarcating particular distinctive features. The Beechen Bank ALLI is described as a prominent area of wooded landscape set on a steep sided slope that provides a setting for the built-up areas of Walderslade and Lordswood. This policy is consistent with the core planning principle of the National Planning Policy Framework (The Framework) that planning should take account of the different roles and character of different areas.
5. The main road that runs past the appeal site is located in a valley. In the vicinity of the site the locality is characterised by sporadic frontage residential development separated by substantial 'green' gaps. These gaps are

particularly important in providing landscape relief, allowing attractive views of woodland and demarcating different areas of housing and preventing their coalescence. The importance of this is demonstrated by the detrimental effect on the streetscene where the development of adjoining plots in the locality has tended to coalesce into groups. At the site visit it was clear to me that the designated area does indeed serve the function indicated by Policy ENV35 and, for the reasons given, I consider that it is vital in contributing to the character of the landscape.

6. The appeal site itself is part of the gap between the dwellings at Brushwood and Jasmine. There are views through the site of woodland and the rising ground to the north-east can be appreciated. There is a building towards the rear of the site but this has a somewhat dilapidated appearance and is particularly modest in scale and height. Despite this structure the appeal site has a largely open and undeveloped appearance, making a valuable contribution to the attractive semi-rural character of the locality.
7. The new bungalow would be a noticeably more substantial and prominent building than the existing structure, so that the open space at the appeal site would be unacceptably eroded. Together with the dwellings at Cringles and Brushwood the proposal would result in an appreciably more substantial and wider domestic built frontage, consolidating and intensifying the existing sporadic development. This would be highlighted by the relative proximity to the dwelling at Brushwood, where the gap to the boundary would be fairly modest.
8. Despite the reduction in height compared to the previously proposed dwelling, the prominence of the woodland in roadside views would still be reduced. Although of a lesser impact, the shingle covered turning area with vehicles parked on it would tend to draw attention to the presence of the dwelling itself and the consequent adverse effects in views from the front.
9. I have considered the trees planted along the frontage and those further back that are the subject of a Tree Preservation Order, as well as the potential for additional planting. However, I consider it likely that the detrimental impacts would nevertheless be apparent in views from the road anyway, especially in periods of leaf fall. In any case, the dwelling would be likely to be a significantly longer lasting feature than the vegetation. As a result of the above factors, it is concluded that the new dwelling would be detrimental to the character and appearance of the ALLI and conflict with Policy ENV35.
10. It is acknowledged that the proposal is an attempt to address the concerns raised by the Inspector when dismissing the appeal concerning a detached chalet bungalow at this site in 2010 (APP/U2235/A/10/2119479). Although I have carefully considered this decision and note the differences in relation to the previous scheme, I have found similar concerns to my colleague in respect of matters such as the consolidation of development and erosion of open space.
11. It is indicated that the dwelling would be constructed to a high standard in relation to matters such as heating, insulation and drainage, while there would also be an on-site recycling point. However, there is nothing to show that these would do other than meet reasonable policy expectations.

12. The development would be acceptable in relation to matters such as highway safety, the amenities of adjacent occupiers and would not prejudice the longevity of the protected Ash trees within the site. Factors such as the materials, design and scale of the new dwelling would not, in themselves, be harmful. Nevertheless, mere acceptability in these respects does not weigh positively in favour of the proposal.
13. The Appellant refers to two previous planning permissions granted by the Council. However, that at the Nook concerns a site where there was already a bungalow. The other case concerns a site where there was a previous planning permission for two dwellings on a larger site and although full details have not been provided there appears to be a particularly lengthy planning history. I am not persuaded that the circumstances of these cases are necessarily comparable to the appeal scheme and it has not been shown that the Council's decision making has been inconsistent.
14. The accepted failure of the Council to identify a five year supply of housing land, including an additional 5% buffer, is at odds with paragraph 47 of the Framework. The dwelling would therefore contribute towards meeting the shortfall and do so within the urban area rather than in the countryside. However, the contribution of just a single dwelling would be particularly modest.
15. In the appeal decision at Workhouse Lane (APP/U2235/A/13/2191544) concerning a new dwelling the Inspector found that there would be no harm to the character and appearance of the area. Despite this appeal being successful and the Inspector indicating that the supply of housing land was less than five years the decision is not therefore comparable to this appeal.
16. It is a core planning principle of the Framework that planning should encourage the effective use of land by reusing land that has been previously developed. The Appellant contends that the site falls within the definition of such land set out in Annex 2 of the Framework. It is suggested that because of its internal layout the existing structure was previously used for human habitation. However, the Council disputes this suggesting that there is nothing to show that this was other than an agricultural structure and therefore outside the definition.
17. Although it appears to have subsequently been the subject of some works, a photograph from a local resident shows the structure with a corrugated roof and unenclosed by any walls at the front and rear. While such an appearance may possibly be more consistent with the Council's position, after considering all the evidence on this matter I am unable to reach a conclusion. So although a new dwelling would be constructed within the urban area it has not been shown that this would necessarily occur on previously developed land.
18. After paragraph 58 of the Framework there are a number of bullet points that developments should comply with. The Appellant refers to that concerned with optimising the potential of a site to accommodate development. However, in this instance this would be achieved at the undue expense of other aims associated with this paragraph, due to the failure to respond to local character and add to the overall quality of the area.
19. I have considered the proposal in the context of the presumption in favour of sustainable development, as set out in the Framework. However, it is made

clear in paragraph 7 that sustainable development has economic, environmental and social dimensions, which should not be undertaken in isolation. In this case there would be a significant adverse environmental impact in relation to an area acknowledged by a development plan policy to be of environmental importance and the proposal would not constitute sustainable development.

20. Despite factors in favour of the proposal such as the provision of a new dwelling and contribution to the housing land supply, having regard to all other matters raised, I conclude that the appeal should fail because of the harm to the ALLI. In reaching this decision the views of local residents and other interested parties, including those supporting the appeal, have been taken into account.

M Evans

INSPECTOR