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## Appeal Decision

Site visit made on 27 February 2013

by **L Rodgers BEng (Hons) CEng MICE MBA**

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

Decision date: 20 March 2013

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**Appeal Ref: APP/U2235/A/12/2189043**

**17 Lambourne Road, Madginford, Maidstone, Kent ME15 8LZ**

- 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 Remake Ltd against the decision of Maidstone Borough Council.
  - The application Ref MA/12/0127, dated 26 January 2012, was refused by notice dated 1 November 2012.
  - The development proposed is an attached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The site is in a sustainable location within the defined built up boundary of Maidstone. The Council finds the principle of residential development acceptable in this location and I agree. I therefore consider the main issues to be the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring and future residents.

### Reasons

#### *Background*

3. No 17 sits on the eastern side of the turning head at the end of Lambourne Road. It is the end property in a short terrace of similar dwellings (Nos. 14-17) running away from the turning head to the east. Further terraces lie to both the north and south. The terrace to the north is in a back to back arrangement with a separation distance of around 15m whereas that to the south is in a facing arrangement across a footpath. This southernmost terrace is again around 15m away from the middle terrace - although it extends further to the west (across the end of the turning head) at which point a step in the layout puts Nos. 8 & 9 slightly in advance of the main body of the terrace.
4. To the west of the turning head are some garages and the rear of a staggered terrace that runs in a north/south direction; that terrace is around 35m away from the flank wall of No 17.
5. The proposed dwelling would extend the existing terrace westwards and would be built on land between the flank wall of No 17 and the pavement around the turning head of Lambourne Road. It would be similar in style and scale to the other properties in the terrace - although slightly narrower and with differing arrangements of the porch and windows.

### *Character and appearance*

6. The housing in the area is generally modest in size and set in fairly small plots. In consequence the area is fairly densely developed. Despite this, Lambourne Road, including the turning head, does not feel particularly enclosed and at least in part has a suburban feel. This largely results from the set back of the surrounding properties and in particular the end properties in the two northernmost terraces (Nos. 17 and 18).
7. In contrast, the end property in the southernmost terrace (No 8) has been extended westwards and now sits hard alongside the access way that leads off the southern end of the turning head towards some nearby garages. That extension not only has a confining effect on the turning head but also makes the access way to the garages seem enclosed and harshly urban.
8. Despite a set back increasing to around 0.5m at the rear, the flank wall of the proposed dwelling would be positioned close to the back of the pavement and other than a small first floor window would be largely plain. In my view its proximity to the pavement and its lack of features would make it an intrusive and dominant feature of the street scene. Together with the loss of open space alongside No 17, albeit currently fenced off and with vegetation of only limited value, the overall effect would be an appreciable urbanisation of the area.
9. The proposed dwelling would be only slightly narrower than those in the remainder of the terrace. Nevertheless, the restricted garden area, the smaller windows and, on the front elevation, the greater dominance of the porch would emphasise this difference in size. In consequence the proposed dwelling would appear squeezed onto the plot and out of kilter with its already modestly proportioned neighbours - adding to my overall concerns with its effect on the area's character and appearance.
10. I accept that the extension to No 8 has already begun to erode the more suburban traits of the area. Nonetheless I must consider the appeal proposal on its own merits and in any event I understand that the extension to No 8 was permitted prior to the adoption of the current development plan.
11. Against this background I find that the proposed development would be to the material detriment of the area's character and appearance and as such would be in conflict with the thrust of Policies BE1 and CC6 of the South East Plan which seek to promote the character and distinctiveness of settlements, as well as to Paragraph 60 of the National Planning Policy Framework which acknowledges that it is proper to seek to promote or reinforce local distinctiveness.

### *Living conditions of future and nearby residents*

12. Concerns have been raised by local residents with regard to such matters as loss of light, loss of privacy and loss of views. Although the latter is not something the planning system seeks to protect and, given the various separation distances and orientations, there is unlikely to be any material effect on the amount of daylight and sunlight reaching neighbouring properties I shall examine the effect of the proposal on the privacy of neighbours.
13. The proposed dwelling would be positioned around 15m from the rear of No 18 and the proposed window to Bedroom 2 would offer clear views towards its windows and rear garden. However, whilst a back to back separation distance

of 15m might, in some circumstances, be regarded as inadequate I have already noted that this is a densely developed area. The proposed separation distance would be no different to that between other properties in the two terraces and No 17 already offers similar, albeit slight angled, overlooking opportunities towards the rear of No18. In consequence I see no material harm arising.

14. As regards the relationship between the proposed house and No 9, although the separation distance would be somewhat closer than those between properties further along the terrace it would not be materially out of line with front to front relationships in other places. Although the change in level between the proposed dwelling and No 9 would exacerbate any overlooking effect I still do not see it as harmful enough to warrant dismissing the appeal on these grounds alone. The terrace to the west would be far enough away to avoid any harmful overlooking from the side window.
15. Residents have also raised concerns as to the effect of the proposed development on parking in the area. However, whilst I question the Council's calculation as to the existing number of spaces at No 17, the proposed development would nevertheless provide an average of 1.5 spaces per unit. Whilst this may not be sufficient to avoid some further street parking (to the possible inconvenience of local residents) neither the Highway Authority nor the Council has raised any substantive objections in this regard. I note that the proposed parking provision is said by the Council to exceed that for other properties in the area and without any firm evidence as to any harm that may be caused I see no reason to find the development unacceptable in this regard.
16. As far as the amenities of any future residents are concerned the proposed garden area is clearly limited. However, whilst the proposed house could be occupied by a small family, the amenity area would be of a useable shape and able to accommodate the needs of small children. I am also conscious that Mote Park is nearby and future occupiers could assess whether the amenity space met their needs.
17. Against this background, and notwithstanding the concerns of local residents, it is my view that the development would not result in material harm to the living conditions of existing neighbours or future occupiers.

### **Conclusion**

18. Although I have found no significant harm to the living conditions of neighbours or future occupiers I have found material harm to the character and appearance of the area - in conflict with the development plan. Whilst the creation of an additional dwelling must weigh in favour of the proposal I do not consider that benefit sufficient to outweigh the identified development plan conflict. Having had regard to all other matters before me, including the fact that the proposal was recommended for approval by the Council's Officers and the suggested conditions, I find nothing to change that balance. The appeal must therefore fail.

*Lloyd Rodgers*

Inspector