



Appeal Decision

Site visit made on 25 February 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021.

Appeal Ref: APP/U2235/W/20/3271603

Woodview, Lenham Road, Kingswood, MAIDSTONE, ME17 1LU

- 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 Mills against the decision of Maidstone Borough Council.
 - The application Ref 19/503989/FULL, dated 30 July 2019, was refused by notice dated 5 March 2020.
 - The development proposed is described as 'Full planning application for the demolition of the existing bungalow at Woodview, Lenham Road, Kingswood and its replacement with a new dwelling, together with an additional dwelling and associated parking, amenity areas and landscaping.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is in a suitable location for new dwellings relative to the planning strategy for the area.
 - The effect of the proposal on the character and appearance of the countryside.

Reasons

Location

3. The appeal site is located in the countryside to the east of the village of Kingswood, which is about 10km south-east of the town centre of Maidstone. It comprises a bungalow, known as Woodview, and its garden areas. The dwelling is set back from Lenham Road and sited towards the eastern side of its spacious rectangular shaped plot, such that there are large garden areas to the rear (south-west) and side (north-west) of the dwelling.
4. To the south-east of the site there is a short ribbon of development comprising about half a dozen properties, set in an informal row behind front gardens and facing Lenham Road. The immediately neighbouring property is The Oaks, a traditional style 2 storey house, set within a large plot. Beyond that property are bungalows of differing designs and a vehicle service station located adjacent to the junction with Ulcombe Hill. To the west of the site is a detached

- property, Mariae Silva, set well back within a large plot containing trees and tall hedges, such that it is screened from views from the road.
5. The Maidstone Borough Local Plan (MLP) was adopted in October 2017. Policy SS1 sets out a spatial strategy for the borough which establishes that the primary focus for new housing will be an expanded Maidstone urban area. It also states that some housing will be directed to rural service centres and larger villages, but Kingswood is not one of these. Policy SP17 defines 'the countryside' as all those parts of the plan outside the settlement boundaries of these locations and sets limitations and criteria for development in these rural areas. This strategy seeks to ensure that development is directed to towns and villages where services and facilities, together with a range of transport choices, are available.
 6. The appellant and Maidstone Borough Council (the Council) do not dispute that the appeal site lies in the countryside for planning policy purposes, but do contest whether the location is acceptable and sustainable for the proposed new houses.
 7. The proximity to other residential properties means that the proposal would not amount to 'isolated homes in the countryside' with regard to paragraph 79 of the National Planning Policy Framework (the Framework). However, the site is some distance from the village of Kingswood, which itself contains only a limited range of local services, including a primary school and a convenience store.
 8. The appellant claims that the site is 'approximately 450 metres from the centre of Kingswood'¹. That distance appears to be more akin to the edge of the village than its centre, or its main services, such as the shop which is further away, being located in the north of the village. I have also noted the appellant's submissions comparing distances between the site and key services compared to another housing proposal which was dismissed on appeal² in November 2019. However, the distances cited are still not insignificant for day to day needs. Moreover, the route along Lenham Road to the village, and to bus stops, has no footways or street lighting and is subject to the national speed limit, such that it would not be a suitable or attractive route for pedestrians, particularly after dark or in poor weather, and for those with limited mobility.
 9. Taking all of the above factors into account, it is reasonable to consider that the future occupants would not only be some distance from day-to-day services, but they would also be likely to rely on a private vehicle to travel. Although vehicular trips associated with the proposal would not be significant in number, the appeal site is not a location where there are realistic and convenient travel choices and it is therefore not where new dwellings could be considered acceptable in terms of the MLP strategy.
 10. I do acknowledge that private vehicles are likely to be utilised by nearby residents in this area to access services, facilities and employment. However, that is not a justification for permitting a scheme that would fail to comply with the Council's strategy for new housing growth.

¹ Appellant's letter dated 8 January 2021 and also Statement of Case paragraph 5.2.5

² APP/U2235/W/19/3234669

11. It is also a relevant consideration that the Council is currently able to demonstrate a 5 year housing land supply, which is not disputed by the appellant, and that the Housing Delivery Test results for Maidstone, including the recently issued 2020 figures, confirm that the borough is comfortably achieving planned housing delivery. The evidence indicates that the Council's strategy is working and that there are no material considerations that would justify departing from it by allowing new housing proposals in less sustainable locations in the countryside.
12. On this main issue, I conclude that the appeal site is an unsuitable location for a residential development due to the lack of access to local facilities and services and the reliance it would place on the use of private vehicles. It would therefore conflict with the Council's strategy as set out in policy SS1 of the MLP, which seeks to direct new housing development to the most sustainable and accessible locations in the borough.

Character and appearance

13. The appeal proposal would involve the demolition of the existing Woodview bungalow and its replacement with 2 detached houses. The proposed siting of the 2 dwellings would reflect the informal line of dwellings along this part of Lenham Lane. However, the dwellings would be relatively large and sited on much narrower plots than their neighbours, The Oaks and Mariae Silva.
14. The design of the dwellings, incorporating prominent full height gable features, extensive glazing, a mixture of facing materials and flat roofed garaging (at the front of each house), would not be characteristic of the local context. The proposal would not integrate effectively with its surroundings which are essentially rural, with some interspersed limited low density built development. Indeed, the proposal would appear as a conspicuous urbanising feature that would fail to add to the quality of the area.
15. I therefore conclude that the proposal would be harmful to the character and appearance of the area. This would be contrary to MLP policies DM1, DM30 and SP17 which establish principles of good design including, amongst other things, that development in the countryside should maintain and enhance local distinctiveness and not harm the character and appearance of the area. It would also conflict with chapter 12 of the Framework, which similarly sets out principles for development to achieve well designed places.

Other matters

16. I have noted the appellant's claim that the Council's case officer indicated a positive recommendation at some point. However, I must make my assessment and decision on the basis of the facts and relevant policies before me. I have also noted the submissions from Ulcombe Parish Council alleging inconsistencies in the Council's decision making compared to other proposals. However, there is limited information before me on these matters, although it does appear that these other cases are not directly comparable. In any event, I must assess the appeal proposal on its individual planning merits.
17. The appellant has made reference to a policy concerning replacement dwellings and his documentation refers to the proposed house on plot 1 as the 'replacement dwelling'. The Council's second reason for refusal also refers to the 'replacement dwelling' and to MLP policy DM32, which allows for

replacement dwelling proposals on a one for one basis, subject to compliance with a set of criteria. However, the appeal proposal clearly relates to the redevelopment of the site for 2 detached houses and MLP policy DM32 is not therefore directly relevant.

18. I have noted the concerns from a neighbour with regard to potential overlooking effects from first floor balconies of the proposed houses. Given my findings on the main issues, I do not consider it necessary to explore this matter further.

Conclusions

19. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR