

Appeal Decision

Site visit made on 9 January 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/U2235/W/16/3157968

Spital Crouch, Lenham Heath Road, Sandway ME17 2NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Cheeseman against Maidstone Borough Council.
 - The application Ref 16/504158/FULL, is dated 12 May 2016.
 - The development proposed is a two storey rear extension providing lounge/family room and additional bathroom/en suite.
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Decision

1. The appeal is dismissed and planning permission for a two storey rear extension providing lounge/family room and additional bathroom/en suite is refused.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, including the Sandway Conservation Area and ii) the living conditions of the occupants of Holly Bank, with particular regard to light and outlook.

Procedural Matters

3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and putative reasons for refusal submitted in the Council's statement and I have treated those as the basis of the decision the Council would have made, had it been empowered to do so. The Council is principally concerned by the effect that the proposed development would have on the character and appearance of the host property, the conservation area and the rural setting, as well as the living conditions experienced at the neighbouring property Holly Bank. I have drawn on the Council's concerns, together with other evidence before me, to inform the main issues in this appeal.
 4. The Council has received the Inspector's Interim Findings, dated 22 December 2016, in relation to the examination of the emerging Maidstone Borough Local Plan. Emerging Policies DM1, DM3, DM34 and DM36 are quoted in the Council's putative reasons for refusal but are not covered in the Interim Findings. I therefore do not know the extent or significance of any unresolved objections to these policies and so I have afforded them limited weight in my
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consideration of this appeal, having regard to Paragraph 216 of the National Planning Policy Framework (the Framework).

5. A number of different forms of the name of the site appear in the appeal documents, including the application form. I have taken the spelling shown on the name signs at the property.

Reasons

6. Spital Crouch is a semi-detached vernacular cottage, thought to date from the early/mid-19th Century. The site lies in the rural hamlet of Sandway and within the Sandway Conservation Area (SCA), a designated heritage asset. The SCA has an understated, loose-knit, rural character and features predominantly small-scale 18th and 19th Century vernacular buildings and estate cottages grouped around the crossroads, together with several more recent houses. The cottage is weather-boarded at first floor level and has two small dormers in the front roofslope and one at the rear. The existing single-storey rear extension is of no particular merit, but it is relatively small in scale and is therefore not visually prominent in the SCA.
7. The proposal is a two-storey extension to the rear with a barn hipped roof, two side facing dormers and a substantial feature chimneystack. It would incorporate the existing single-storey additions to the rear of the host property and the resulting development would project approximately 11.8m in total beyond the original rear elevation, taking the Council's measurements.

Character and appearance

8. Spital Crouch as existing is an attractive building set on Lenham Heath Road. Its position fronting immediately onto the lane, close to the crossroads, and its white-painted weather-boarding make it a significant feature in the street scene. As existing, it makes a positive contribution to the character and appearance of the SCA, and therefore to its significance.
9. The proposed extension would be very large in relation to the existing building. The excessive depth and height of the extension would over-dominate the existing house and result in a substantial dwelling such that its character would be significantly altered. Furthermore, the proposed design, including the largely unrelieved flank elevation and the proposed timber framing, would be out of keeping with the character and appearance of the original building.
10. Notwithstanding the Council's percentage enlargement calculations, which the appellant considers to be flawed, I consider the extension would not be modest, subservient or well related to the existing house. Due to its substantial scale it would overwhelm the original building, in conflict with the expectations in respect of extensions within the countryside set out in the Council's adopted Supplementary Planning Document for Residential Extensions 2009 (SPD).
11. The overall mass and volume of the extension would be readily visible in public views from the lane, including up the driveway of Spital Crouch and from other vantage points, due to the proposed height, as well as from several nearby properties. It would be visually incongruent due to its scale and the uncomfortable, heavy relationship with the existing house, including the relationship between the existing and proposed roofs. Furthermore, the large chimney stack would be out of scale with the host property.

12. For these reasons, I consider that the proposed extension would be unsympathetic and relate poorly to the original building to the significant detriment of its character and appearance and therefore that of the rural hamlet surroundings. In arriving at this position, I have considered the appellant's view that variety adds to the charm of Sandway. I also note that the design and scale of the proposed dormers would be similar to the existing examples, and that the use of traditional materials is proposed. I further note that the appellant would be willing to add weather-boarding to the flank elevation to provide additional relief. However, while I agree that there is a somewhat varied character to the buildings within the SCA, these points do not outweigh my overriding concerns in relation to the scale of the proposed extension and its relationship with the host building.
13. I therefore conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with saved Policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 (MBWLP), which together seek to ensure that development would not harm the character and appearance of the countryside, including by overwhelming or destroying the original form of the existing house, being unsympathetically related to it, or by being visually incongruous in the countryside. It would also conflict with the relevant requirements of the adopted SPD.
14. In light of my findings above, I further conclude that the proposed development would fail to preserve or enhance the character or appearance of the SCA, contrary to the expectations of the Framework and saved Policy ENV28 of the MBWLP, which among other things seeks to ensure that development would not harm the character and appearance of the area. However, I quantify the extent of the harm to the SCA as being less than substantial in the context of paragraphs 133 and 134 of the Framework. Such harm needs to be balanced against any public benefits the development might bring.
15. There would be a minor benefit associated with the provision of enlarged residential accommodation, and I have afforded this a little weight in favour of the development. However, this is significantly outweighed by the harm that would be caused to the character and appearance of the SCA.

Living conditions

16. The proposed two-storey extension would be positioned immediately adjacent to the common boundary with the attached property, Holly Bank. There is an existing single-storey extension at Holly Bank, which abuts the common boundary. This existing extension has a part flat, part pitched roof, with the flat roof section situated closest to the common boundary, and projects a significant distance beyond the original rear elevation of Holly Bank.
17. There is a set of patio doors in the rear elevation of the extension at Holly Bank, which faces in a roughly southerly direction, down the rear garden. These patio doors provide the only source of direct light to an L-shaped living/dining room.
18. The extension to Spital Crouch would project a little less than 2.4m beyond the rear of the extension at Holly Bank, as marked on the proposed floor plan. The Council has undertaken a 45 degree test in plan and elevation, which fails on both counts. This result provides an indication that a significant amount of

light to the patio doors is likely to be blocked by the proposed extension. The appellant considers that the Council has misapplied the test in elevation, because a hipped roof is proposed. However, I consider that the Council has applied the test as set out in the SPD, by taking a diagonal line at an angle of 45 degrees from the near top corner of the proposed extension wall.

19. While the 45 degree test approach is a widely used rule of thumb guide, used to aid assessment of the impact of a proposed development on light, it needs to be interpreted flexibly, taking account of the specific context involved. In this case, the proposed extension would be set to the southeast of the patio doors, where a two-storey wall would be positioned in very close proximity with a pitched roof above.
20. Notwithstanding the proposed hipped roof and the southerly aspect of the patio doors, the relative siting and substantial scale of the extension would be such that both daylight and sunlight would be blocked from the patio doors. While sunlight would only be blocked for part of the day, the effect of this loss of light would be exacerbated as a result of the patio doors being the sole source of natural light to the room. I note that the appellant considers that the extension to Holly Bank has not affected the light received at Spital Crouch, largely due to the southern aspect. However, the single-storey flat-roofed extension at Holly Bank is significantly smaller, particularly in height, and less imposing than the proposed extension would be. Accordingly, this does not outweigh my view that the proposal would have a significant adverse impact on the living conditions experienced at Holly Bank due to loss of light.
21. Furthermore, the height, depth and proximity of the proposed extension would have an overbearing relationship with Holly Bank, forming an unduly imposing feature that would have a further significant adverse impact on part of the outlook from the living/dining room and the private garden area adjacent to it.
22. I therefore conclude that the proposed development would harm the living conditions of the occupants of Holly Bank, with particular regard to light and outlook. It would therefore conflict with saved Policy H33 of the MBWLP, which among other things seeks to ensure that extensions would not result in an unacceptable loss of amenity for adjoining residential property. However, I find no significant conflict in this regard with saved Policy ENV28 of the MBWLP, which is principally concerned with the character and appearance of the countryside and not living conditions.

Other Matters

23. I understand the appellant's desire to create a larger home for his family in the local community, and I note his argument that the proposed extension is the only mechanism for doing this. However, personal circumstances seldom outweigh general planning considerations and do not outweigh the harms identified in this case.
24. The appellant has referred to a number of other existing and proposed residential extensions in the area, including examples within the SCA, and I note that he considers that in not receiving planning permission from the Council he has been prevented from doing what others nearby have received permission to do. During my site visit I noted, among others, the existing extensions at Lowenva and at Whittaker Cottage, which do not appear to be recent additions and, while they are visible from the road, relate reasonably

sympathetically in scale and form with the host buildings. Other extensions and conversion alterations have been proposed nearby, including at Holly Bank, 4 Warren Cottages and Sunnybank. However, each case must be considered on its own merits, and those other existing and proposed developments do not justify the harm that would be caused by the appeal proposal.

Conclusion

25. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Catherine Jack

INSPECTOR