

Appeal Decision

Site visit made on 28 February 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 29 March 2017

Appeal Ref: APP/V2255/W/16/3164648

Land adjacent White Timbers, Painters Forstal Road, Painters Forstal, Kent ME13 0DU.

- 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 James Boucher against the decision of Swale Borough Council.
 - The application Ref 16/506452/FULL, dated 15 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the demolition of an existing garage building and shed and the erection of a new two bedroom house with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has cited conflict with Policy DM14 of the "*Swale Borough Local Plan Proposed Main Modifications 2016*" (the emerging LP) in its first reason for refusal. I find this policy to be consistent with those in the existing development plan and advice in the "*National Planning Policy Framework*" (the Framework) and therefore I have afforded it significant weight in my decision.
3. I have taken the site address from the Appeal Form as this is more accurate than the version provided on the Application Form.

Main Issues

4. The main issues are the effect of the development on, firstly, the character and appearance of the Painters Forstal Conservation Area (PFCA) and, secondly, the living conditions of neighbouring occupiers with particular regards to overshadowing and outlook.

Reasons

Character and appearance

5. The site and surrounding area are within the PFCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The site is also within the Kent Downs Area of Outstanding Natural Beauty (AONB) where paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty.
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6. The appeal site comprises part of the residential curtilage to White Timbers, a modest but attractive semi-detached property whose name derives from its traditional facing materials. It is proposed to erect a single dwelling on the site following the demolition of the garage and outbuilding which are both of a similar style and appearance to the host dwelling.
7. The surrounding area is residential and comprises dwellings of varying style, age and materials. However, buildings tend to address the road and are set back generously from it. The proximity of amenity areas on the opposite side of Painters Forstal Road together with the generous spacing between dwellings and prevalence of landscaped frontages lend the area a pleasant and spacious character. Due to its central location and facing materials, White Timbers along with its immediate neighbour, have significant visual presence in the street scene. In particular, it is the unity of the two dwellings as well as the spaces and landscaping around them which when viewed as a pair, make a significant positive contribution to the PFCa.
8. The appeal scheme would truncate the curtilage of White Timbers thus robbing it of a considerable proportion of its garden and reducing the extent of space in which the building is currently appreciated. The footprint, height and mass of the dwelling would significantly exceed that of the existing structures and would lead to a marked reduction in the visual gap between White Timbers to the south and Forstal Cottage to the north. The dwelling would be sited close to its northern and southern boundaries leaving little breathing space around it. It would be set back from the roadside and extend into the plot thus presenting a narrow gable end to the road. Its contrived proportions and constrained layout would be decidedly different to anything else in the vicinity and would be at odds with the characteristically generous spacing of built development in this part of the village. Overall the development would substantially alter the appearance of the site thus giving the immediate area a more built-up appearance.
9. Given the confines of the site, the small front garden to White Timbers would be removed to make way for an additional parking space. Accordingly, the whole frontage area to both properties would be taken up by parking areas with limited scope for any meaningful landscaping. The limited size of the residual garden area to White Timbers adds further credence to my concerns that the scheme would amount to overdevelopment of this site.
10. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in the Act and Policy E19 of the LP, the harm I have identified weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this should be weighed against the public benefits; I have not identified any significant public benefits in this case.
11. The development would appear cramped and would substantially alter the appearance of the site as a whole and erode the sense of spaciousness which is a defining characteristic of the PFCa. Therefore and notwithstanding that there is nothing objectionable about the external appearance of the dwelling, I conclude that the development would conflict with Saved Policies E1, E9, E15 and E19 of the LP and Policy DM14 of the emerging LP. Collectively these seek

high quality design that reflects the positive characteristics and features of a site and locality and preserves and enhances conservation areas and the AONB.

Living Conditions

12. Whilst the dwelling would be sited at close quarters to its northern neighbour, it would not be of a height to challenge it. There is nothing before me to indicate the presence of habitable room windows at ground floor level in the side elevation of Forstal Cottage. I therefore find little to support the Council's view that the development would have a significant overbearing effect on these occupiers.
13. There would undoubtedly be limited separation between the side elevation of White Timbers and the proposed dwelling. However, the new dwelling would be orientated to the north and would not cause any significant overshadowing of the rear garden. Only a limited number of windows are proposed to the new dwelling and none in the main south facing elevation. Consequently, there would be no loss of privacy to the occupiers of White Timbers. Although the lack of windows to the proposed dwelling does give me some cause for concern, the Council has not raised this as an issue. As a result and given that I have found the development unacceptable on the first main issue, I have not pursued this matter further.
14. I therefore conclude that the development would not have an unacceptable effect on the living conditions of neighbouring occupiers with particular regards to overshadowing and outlook. It would thus accord with Saved Policies E1 and E19 of the LP and Policy DM14 of the emerging LP.

Conclusion

15. I have identified clear conflict with the development plan in terms of the dwelling's effect on the character and appearance of the area. I acknowledge that the scheme would make a contribution, albeit modest, to the Council's housing stock. Nevertheless and irrespective of the Council's housing land supply position, this does not outweigh the harm I have identified and the conflict with the development plan in that regard.
16. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector