
Appeal Decision

Site visit made on 2 September 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/V2255/D/19/3234545

1 Florence Cottages, Bogle Lane, Lynsted ME9 0EW

- 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 and Mrs Hopper against the decision of Swale Borough Council.
 - The application Ref 19/501323/FULL, dated 13 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is extension to existing garage with conversion to annexe accommodation with glazed link and extension to lounge.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing garage with conversion to annexe accommodation with glazed link and extension to lounge at 1 Florence Cottages, Bogle Lane, Lynsted ME9 0EW in accordance with the terms of the application, Ref 19/501323/FULL, dated 13 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, HO/19/101.01, HO/19/101.02, HO/19/101.03, HO/19/101.04, HO/19/101.05, HO/19/101.06 and HO/19/101.07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application in the decision above.

Main Issue

3. The main issue is the effect on the character and appearance of the host property and area.

Reasons

4. This semi-detached rural property has already benefitted from alterations and extensions and there is no doubt that the proposals before me would be substantial further and cumulative additions. However, I have not been referred to any particular size restrictions in the most important policies before me, which, on my reading require a more qualitative assessment and take a design led approach.
5. The proposals before me would be limited to the rear of the dwelling and existing garage/study and connected by a glazed 'link' structure of a relatively low height and scale. It would appear as a lightweight and subservient addition to the property and the use of glazing throughout the link would allow for a degree of visual separation between the buildings. Although extending the footprint further away from the original cottage the single storey rear extension and link would still be a subservient and sympathetically designed addition to the host property and would not be unduly dominant.
6. The rear annexe extension would also extend built form further beyond the rear building line and into the undeveloped rear garden area. However, it would match the form and appearance of the existing garage and this is a sufficiently large plot to accommodate what is a modest increase in footprint. The existing sense of spaciousness and openness of this rural property would be retained.
7. From the lane, only the glazed roof would be partially visible above the height of the existing front boundary fence and the siting to the rear of existing built form, in combination with the presence of established soft landscaping and a mature Yew tree, would ensure the extensions would not be conspicuous. In my view they would not be incongruous or visually overpowering as the Council contends and whilst I accept, they would be substantial further additions, the effects of such increases would be mitigated by good quality and sympathetic design.
8. The proposal would be part of a wider rural landscape that contains a variety of sizes and types of rural properties from different periods and with later additions, alterations and extensions. Subject to matching materials the proposal would not be out of keeping with the scale, mass, character or appearance of the host property or this rural area.
9. For these reasons, the proposal would not cause harm to the character and appearance of the host property or the area. Consequently, there would be no conflict with Policies CP4, DM11, DM14 and DM16 of the Bearing Fruits 2031: The Swale Borough Local Plan ('LP') or the Council's design guidance¹ which, when taken as a whole and amongst other things require alterations and extensions to be of an appropriate design quality, well sited and of an appropriate scale, mass, and appearance in relation to the host property and location.

¹ Swale Borough Council: Designing an Extension A Guide for Householders 2011.

Other Matters

10. I have considered my statutory duties² with regard to the setting of Bogle, a nearby Grade II* listed building and the Bogle Conservation Area ('BCA'). Part of the wall around Bogle is close to the appeal site but the side and rear boundaries of that property also contained mature trees enclosing a substantial garden. The proposal would not be appreciated in any visual or other perception or experience of the setting of that building and therefore the proposal would have a neutral effect on the setting of Bogle as a designated heritage asset.
11. The proposal could perhaps be glimpsed from some limited parts of the small number of properties on Lynsted Lane that are within the BCA. However, any views would be across an intervening field, distant and screened by mature trees in the side boundary of the appeal site. From the closest point, the corner of the property touches the corner of the BCA but it sits behind a large hedgerow on a narrow rural lane with mature hedgerows on both sides. Given the siting of the extensions, effectively extending existing built form and their appropriate design, there would be no harm to the setting of the BCA.
12. I also note that the Council and Historic England did not object on these grounds and have not referred me to conflict with the heritage policies of the LP or the National Planning Policy Framework ('the Framework'). In my view, the proposal would not cause any harm to these designated heritage assets, in terms of their setting.

Conditions

13. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. A condition requiring details of the external materials to match existing is also necessary, in order to protect the character and appearance of the host property.

Conclusion

14. For the reasons given above, the proposal would accord with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
15. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

² Sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990.