



Appeal Decision

Site visit made on 11 March 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/U2235/D/19/3238666

The Vines, Forsham Lane, Chart Sutton, Maidstone, Kent ME17 3EP

- 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 O'Rawe against the decision of Maidstone Borough Council.
 - The application Ref 19/502492/FULL, dated 14 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is the erection of an oak framed barn extension with glazed link.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal site is located in an area that features extensive fields that are bordered by trees and hedgerows, with a small orchard also close to the site. Built form within the area is infrequent and dispersed, consisting mostly of agricultural buildings or detached dwellings with outbuildings that are positioned on large plots. The topography of the area, the pastoral landscape and the extensive views that are possible from many locations creates a pleasant and spacious rural character within the local area. This is reflective of the Low Weald Landscape of Local Value (LWLLV) that the appeal site is located within.
4. The appeal site features a dwelling that has the appearance of a converted barn and is set well back from the tree and hedge lined road frontage. The building presents a wide, glazed elevation to the front, with a tiled, half-hipped pitched roof and a central forward projection. Windows and doors are minor features on the timber clad side and rear elevations. A detached outbuilding sits to the front and side of the dwelling, close to the boundary of Ashurst Farm, which contains a Grade II listed building and associated outbuildings.
5. The main part of the proposed extension would have a form, scale and appearance that would be akin to an additional barn and would be attached to the side of the existing dwelling by a glazed link. The main part of the extension would be orientated perpendicularly to the existing dwelling and would feature pitched roofs either side of a section of flat roof, with eaves that would be set above those at the front of the existing dwelling.
6. The proposed extension would represent a substantial addition to the host dwelling, being of similar size to the existing building in terms of height and

footprint. Furthermore, as a result of the span of the extension, the height of the eaves and the inclusion of an element of flat roof, the forward facing gable end would have a bulky appearance and would become a dominating feature of the resultant dwelling. For these reasons, the proposal would represent a significant increase in the scale and mass of built form at the site. In this regard, the proposal would not accord with paragraph 5.15 of the Council's Residential Extensions SPD¹ (RESPD) which states that an extension should have a form that is well proportioned and presents a satisfactory composition with the house.

7. Both the front and side elevations of the proposed extension would be visible from the public domain through gaps in the hedges at the frontage of the site. Moreover, due to the space at the side of the dwelling, the full extent of the side elevation would be able to be seen from the surrounding area. As such, the cumulative effect of the proposed extension and the existing buildings would cause the built form at the site to be more imposing on the character and appearance of the locality. In this context, the extension would erode the existing sense of spaciousness at the plot and reduce the contribution that the site makes to the rural character of the area. Furthermore, whilst the development would have a minimal effect on the overall landscape character of the LWLLV, the increase of the scale and bulk of built form at the site would not represent either the conservation or enhancement of the distinctive landscape character.
8. There appears to be little uniformity to the arrangement of buildings on plots within the surrounding area and, in this respect, the appellant's Heritage Statement highlights the varied layout of buildings at nearby farmsteads. In this context, the alignment of an extension perpendicularly to the existing building would not be at odds with the pattern of development within the locality. Furthermore, the extension would not prevent the form of the original building being apparent. As such, I do not find that the extension conflicts with the aim of paragraph 5.14 of the Council's RESPD. However, whilst I find the proposal acceptable in this respect, this does not alter my assessment of the other harmful impacts of the development that have been set out above.
9. The presence of hedges and trees at the site and within the surrounding area would not entirely mask the development and, even if they did, their retention would not be able to be guaranteed. As such, the vegetation cannot be relied upon to mitigate the effect of the proposed extension. Moreover, whilst the fenestration and external materials of the proposed extension would be respectful and reflective of the existing buildings at the site and the surrounding area, these features would not reduce the effect of the scale, bulk and mass of the proposed extension.
10. For the reasons given above, the proposal would have an unacceptable effect on the character and appearance of the existing building and the surrounding area. The development would, therefore, conflict with policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan (2017) which combine to require that, amongst other things, extensions are of a scale which relate sympathetically to the existing building and the rural area, have no adverse impacts on the form, appearance or setting of the building, do not harm the character and appearance of the area, are visually acceptable in the countryside and conserve or enhance the LWLLV. Furthermore, for the reason set out above, the proposal would also be contrary to paragraph 5.15 of the Council's RESPD.
11. Moreover, the proposal would not accord with paragraph 127 of the National Planning Policy Framework which states that development should add to the overall

¹ Residential Extensions Supplementary Planning Document (2009).

quality of the area and be sympathetic to local character, including the surrounding landscape setting.

12. The distance between the proposed extension and the listed building at Ashurst Farm and the presence of the existing dwelling, outbuilding, walls and vegetation in the intervening space, ensures that the proposed extension would have no impact on the setting of that listed building. It appears that no other heritage assets would be in sufficient proximity of the site to be affected by the proposal and I note that the application was not refused on the grounds of its effect on heritage assets. Whilst I have found that the proposal would not cause harm to any heritage assets, this does not alter my assessment of the proposal in other respects.

Other Matters

13. I have had regard to the appellant's comments that the proposal would cause no harm in respect of the living conditions of neighbouring residents, biodiversity, geodiversity or flood risk, but those aspects of the proposed development do not address, mitigate or outweigh the harm that would be caused in respect of the main issue.
14. I give weight to the circumstances of the appellant's family that are set out within the Heritage Statement and have had due regard to the Public Sector Equality Duty as contained within section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Moreover, I note that the appellant has identified that the extension would provide a safe, inclusive and accessible home with a family friendly environment that would make efficient use of the building and provide for the family that occupies the site.
15. However, having given the matter careful consideration, these factors do not outweigh the considerable harm and unacceptable impact on the character and appearance of the existing building and the surrounding area that would be caused by the proposal.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR