
Appeal Decision

Site visit made on 21 July 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/U2235/D/20/3252983

Cantii, Goudhurst Road, Staplehurst TN12 0HB

- 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 Quinton Searle against the decision of Maidstone Borough Council.
 - The application Ref 20/500319/FULL, dated 23 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is erection of part two storey, part first floor side extension including alterations to roof and erection of front porch extension (part retrospective).
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Decision

1. I dismiss the appeal.

Reasons

2. The main issue in this appeal is the effect of the proposal on the character and appearance of both the original dwellinghouse and the surrounding countryside. Local Plan Policy DM1 sets out the principles of good design, while for sites in the countryside Policy DM30 contains further design principles and states that where an extension or alteration to an existing building is proposed, it should be of a scale which relates sympathetically to the existing building and the rural area. Policy DM32.2 concerns the extension of dwellings in the countryside with criteria that will be considered in detail later in this Decision. Supplementary Planning Document '*Residential Extensions*' explains the design considerations for extensions in the countryside.
3. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
4. There is a recent planning history for the property which explains how the present situation arose.

Reference 18/501584/LDCEX dated 18 May 2018 Lawful Development Certificate concerning a rear extension. Certified that '*the existing development is considered to be lawful development thereby permitted by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015*'. Drawing 1373-001 showed the pre-existing arrangement with drawing 1373 P002 being the arrangement agreed to be lawful.

- Reference 18/505536/FULL dated 10 January 2019 Full Planning Permission for the erection of a first-floor side extension. Drawing number 1373 P1002 was named in condition 3) and shows an extension that, as would be expected from a grant of permission, accords with the Local Plan policies previously cited.
5. The appellant accepts that *'work on these developments has commenced, however, unfortunately they have not been carried out in accordance with the approved plans'*. It is unclear how changes to the rear extension came about, when the Council appears to have dealt with it as an existing development, but there is no suggestion that what has been built fails to accord with Class A of the Order. However, even now the appeal drawing 1373 P1002A fails to accurately show the door and window positions on the north flank and west walls and omits the brick piers at each end.
 6. However, a major departure from the approved drawings has occurred with regard to the side extension where instead of the ridge and front roof plane being slightly lower than that of the original dwelling, it has been constructed significantly higher. The original dwelling was a small cottage with the upper rooms built partly within the roof with sloping ceilings under the eaves and low-set windows. The extension appears to have been built with modern room heights, reconciled at the upper landing by a step up into bedroom 5 not shown on the drawing.
 7. The side extension is also wider than approved, but that alone could be acceptable if the approved roof-line had been followed, and whilst the added porch may or may not be permissible under Class D of the Order subject to a check of height and proximity to the highway, no harm is caused by that alone.
 8. In the event, permission is not sought solely for the 'as-built' higher roof arrangement, but the appeal proposal is to raise the height of the original roof and upper floor windows to match. The approved slight step down would be lost, but the Supplementary Planning Document accepts at figure 5.20 an extended roof of the same height, and the requirement for subservience only appears in Policy DM32.2 at criterion iv) with regard to outbuildings.
 9. However, the proposed development would not accord with criterion i) of Policy DM32.2 which requires that the proposal be well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling. That original form is clearly evident and is a low cottage style building having a pleasing symmetry about the inscribed *'J W 1853 Cantii'* and a well-proportioned front elevation that sits well in the rural surroundings.
 10. The drawings approved in January 2019 show an extension that is well design and sympathetically related to the original cottage, whereas the proposed extension would overwhelm and largely destroy its proportions. The result would be development that would not be visually acceptable in the countryside, contrary to criterion ii) of Policy DM32.2 and would not reach the standard of design sought in Policies DM1 and DM30, nor that sought in the Framework.
 11. It is accepted, as stated by the appellant, that the dwelling stands alone and so is not seen alongside others, and that there is no single style to be followed nearby, the closest buildings being an oast to the rear and the listed Ely Court further to the north-east. Reference has been made to other dwellings in the locality which have been increased in height, but without the proof of

permission having been granted against the same Policy DM32 and information as to the pre-existing arrangement, it is not possible to attach much weight to these examples. Suffice to say that the relationship of the eaves to the window heads at Saynden Cottages is unusual, but that is not proposed at the appeal site in any event.

12. The upper floor ceiling and window heights at the appeal property are typical of rural cottages and are not seriously substandard or render the dwelling uninhabitable, and whilst the appeal proposal would lead to some private benefit, that does not outweigh the harm to the original building and the wider street-scene. The proposal is contrary to Development Plan and national policies previously cited and would not accord with the aims of the Supplementary Planning Document.
13. For the avoidance of doubt, a non-retrospective scheme to raise the roof and upper floor windows of the cottage, and to erect a side extension at that higher eaves and ridge line would not have been found acceptable under Policy DM32 and the fact of the side extension having already been erected at this higher level and the possible consequences of this Decision do not weigh sufficiently to change that view.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states the primacy of the Development Plan. In this case the relevant Policy DM32 is clear as to the intent and there are no material considerations to indicate a Decision otherwise than in accordance with the Development Plan. For the reasons given above I conclude that the appeal should be dismissed.

S J Papworth

INSPECTOR