



Appeal Decision

Site Visit made on 18 November 2020

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08/12/2020

Appeal Ref: APP/V2255/W/20/3254963

Webbenditch Cottage, Cold Harbour Lane, Bobbing ME9 8NN

- 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 Jake Shaw against the decision of Swale Borough Council.
 - The application Ref 19/506412/FULL, dated 20 December 2019, was refused by notice dated 28 February 2020.
 - The development proposed is a one for one replacement of Webbenditch Cottage for a new dwellinghouse, detached double garages and gymnasium and creation of new access point.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - a) the character and appearance of the countryside;
 - b) highway safety.

Reasons

Character and appearance

3. The appeal site is a large plot on the southern side of Cold Harbour Lane; a narrow, single track, rural road in open countryside beyond any built-up area boundaries. It is currently occupied by Webbenditch Cottage, a modest 2-storey dwelling whose blank flank wall is set hard up against the road frontage. Although it is not prominent in the street scene glimpses of the other elevations can be seen by anyone travelling on the lane. A vehicular access, a small area of hardstanding and a small garage are sited at the western end of the site and are visually separate from the house. The site is enclosed in part by a fence along the roadside boundary but elsewhere by established trees and vegetation. It is otherwise surrounded by flat, open agricultural fields.
4. The proposal is for a replacement dwelling that would be sited further back from the road and towards the eastern end of the site where there would be a new access, driveway and garage. The dwelling would be orientated to look out over the garden, most of which would be to the west of the house. There is no objection in principle to a replacement dwelling. However, Policy DM11 of the Swale Borough Local Plan 2017 (Local Plan) states that the rebuilding of an existing dwelling in the countryside will only be permitted if the replacement is of a similar size, proportion, scale, mass and appearance to that of the original.

5. The new house would occupy a much larger footprint and its overall floor area would be nearly 3 times that of the original dwelling. It would also be significantly taller, and the mansard-style roof would be considerably bulkier than the modest, shallow pitched, hipped roof of the existing property. The submitted plans show accommodation on only 2 floors. However, the rear elevation shows a dormer window in the roof slope. This suggests that it would be possible to provide additional rooms within this roof space further increasing the overall floor area. All these factors demonstrate that the proposal bears little relationship to the features, scale or proportions of the existing house.
6. Although the dwelling would be sited further back on the plot, it would also be on slightly higher ground than the existing house. This would accentuate its additional height and bulk when seen from Cold Harbour Lane. It would therefore appear as a rather grand and imposing dwelling at odds with the agricultural character of the surrounding open rural landscape and the scattered buildings within it. The proposal's incongruity with its surroundings would be apparent notwithstanding the proposed retention of some of the trees on the site's boundaries.
7. The ancillary building would provide garaging for two vehicles and would accommodate a gym on the ground floor. Additional storage space within the roof space would be accessed by a staircase. The building would be served by windows and patio doors giving it a domestic appearance. This replacement building would be very different in scale and character to that of the existing modest, flat-roofed garage. It would also be in a more prominent position. Together with the dwelling the two buildings would significantly increase the bulk and mass of the built form on the site.
8. The removal of the existing dwelling and the associated wall and fencing alongside the lane would provide an opportunity to improve the appearance of the roadside boundary. This could be achieved with planting of a native hedgerow as suggested in the preliminary landscape proposal. However, the remainder of the landscaping proposal is primarily concerned with the design of the garden, rather than illustrating how the scheme could respond to and blend into the surrounding landscape character. The purpose of landscaping should be to secure effective integration of the development into the area rather than simply screen the increased bulk and mass of the built form on the site. The role of vegetation in screening About Farm Cattery and the lack of it at Briers Cottage cannot be directly compared with the appeal site which requires a scheme that would address its site-specific issues and location.
9. For all these reasons I conclude that the proposal would conflict with Policy DM11 of the Local Plan due to its excessive size. Consequently, it would significantly harm the character and appearance of the countryside, contrary to Policies CP4 and DM14 of the Local Plan which require development to reinforce local distinctiveness and be sympathetic in scale to its location.

Highway safety

10. Cold Harbour Lane is a single-track rural road enclosed by hedges near the appeal site. The lane carries minimal flows of traffic and it would be well nigh impossible for anyone to travel safely along it at any significant speed. The existing access serves a small area of hardstanding in front of the garage. It is awkward to negotiate due to its enclosure by low brick walls and pillars and the narrowness of the lane. Visibility in both directions is poor.

11. Moving the access further to the east would provide an opportunity to make improvements. These would have to be undertaken with care having regard to the nature of the area and the vegetation along the site boundary. However, I see no reason relating to highway safety to justify the provision of visibility splays of the scale originally suggested by the highway authority. It is suggested that splays of between 100-128m could be provided. As this would be a significant improvement on the current situation, I consider this would be acceptable. Details of a revised access could be secured by the imposition of an appropriate condition, if the development had been otherwise acceptable.
12. I conclude that the proposal would not unduly prejudice highway safety and, subject to agreeing a detailed scheme for a revised access, the proposal would comply with Policy DM14 of the Local Plan.

Other Considerations

13. It has been put to me that the existing house could be significantly extended using permitted development rights. It is suggested that substantial single storey extensions could be added to the eastern and southern elevations and that other single storey outbuildings could be erected in the garden. However, no detailed plans of how this could be achieved, or certificates of lawfulness have been presented. I am therefore not able to make any meaningful comparison of the effect of such extensions with the appeal proposal. Furthermore, I am doubtful that enlarging the dwelling by these means would provide the quality and internal arrangement of accommodation which the appellant seeks. I therefore give this matter limited weight in my assessment.
14. Since this application was determined the Council has granted permission for a smaller replacement dwelling, Ref: 20/501884/FULL. The reduced scheme would be sited in a similar position on the plot to the appeal proposal but would be approximately 20% smaller in terms of its floorspace. It would be reduced in width, depth and height and additional screening would be provided. There would be only one rear projection, rather than two, and no dormer window in the roof slope. The Council was satisfied that these reductions in the scale of the scheme and amendments to the landscaping proposals were sufficient to overcome its objections to the current scheme. It also took account of possible extensions using permitted development rights in its assessment.
15. Having looked at drawings which compared the scheme before me with that which the Council has subsequently approved, I consider there are significant differences between the two. The additional width, depth and height of the current proposal would result in a bulkier, more prominent building that would be more harmful to the rural character of the area. The recently approved scheme is therefore not a justification for permitting a scheme which I have found to be harmful.

Conclusion

16. I have found that the scheme would conflict with the development plan and there are no other considerations that outweigh that conflict. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR