
Appeal Decision

Site visit made on 4 December 2020

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 16th December 2020

Appeal Ref: APP/X2220/D/20/3246005

Lime Tree Cottage, East St, Ash, Kent CT3 2DA

- 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 Drew Anderson against the decision of Dover District Council.
 - The application Ref DOV/19/01117, dated 12 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is a detached granny annex.
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Preliminary matter

1. The development has been completed except for final fitting out. I have considered the appeal accordingly.

Decision

2. The appeal is dismissed.

Reasons

3. The main issue is the effect of the development on the character and appearance of the area. East Street is a small rural hamlet spread out along a narrow country lane about 1 kilometre east of the village of Ash. Lime Tree Cottage is a modest 2 storey cottage on higher ground to the west of the main group of houses and has a wide frontage.
4. As background, planning permission was granted in July 2017 for a detached double garage with access from the side and a games room in the roof space. The scheme as built includes a lounge/dining room behind 2 non-functioning garage doors at the front, a separate front door and hall, kitchen, conservatory and 2 bedrooms upstairs with an en-suite bathroom and walk-in wardrobe. The drawings are scaled and indicate that the building now proposed is wider and taller than that permitted but is somewhat shorter in length. However the domestic conservatory added to the north west elevation extends the overall length beyond the scheme that was approved. The clear intention is to create a new 2 bed unit of accommodation.
5. The building is set well above the lane and is conspicuous because of its height and bulk. It is stark on the low ridge seen from further afield including from the A257 Sandwich Road and local footpaths. It appears comparable in volume with the host building and is not subservient in appearance. Moreover it is well separated from the host dwelling and for this reason, reversion to single family accommodation as part of the main family dwelling, as required by policy DM 9 of the Dover District Local Plan of 2010 (LP), would be difficult, unless it was clearly for ancillary purposes.

6. The Council acknowledges that people may need accommodation for dependant relatives and policy DM 9 specifically indicates that such accommodation will be permitted if it meets certain criteria, including that it functions as ancillary accommodation to the principal dwelling and is of a size and design appropriate to the needs of the occupant. Policy DM 10 refers to temporary accommodation which does not apply to this proposal.
7. The extent of the accommodation and the distance between the main house and the new annex indicate that it would be entirely self-contained in purpose and use. Whilst a garage would an obviously ancillary use, this building would function as a separate house with its own access.
8. The appellant advises that the accommodation would be suitable for an elderly, disabled gentleman who at some point may require full-time live-in carer(s), but no details have been provided of the relative who is intended to occupy the annex or his needs or prognosis in terms of future care. Only vague assurances have been provided to justify the accommodation provided. Without being made aware of the particular needs of the intended occupant, it is difficult to assess his needs in accordance with the policy. Moreover, an annex for a disabled occupant would normally have a downstairs bath or shower room of an appropriate size, which is conspicuous by its absence. The narrow stairs with winders would present difficulties for many disabled people in reaching the upstairs facilities. A level or near level entrance would normally be required. Doors and hallways would need to be of a particular minimum width to accommodate possible wheelchair use together with an assistant. Steps between rooms are likely to be inconvenient for a person whose movement might be impaired. These things may not all be required but there is no information one way or the other. The accommodation could be further adapted but the submitted plans are quite definitive. In particular, no justification has been provided for the conservatory element, which has the effect largely of changing the character of the building from 'ancillary' to 'domestic'.
9. In summary, the building fills a gap between Lime Tree Cottage and the neighbouring dwelling which previously contributed to the impression of a very loose-knit rural enclave. The approved ancillary garage and games room was noticeably lower and narrower and by virtue of its plan form, hardstanding and low key timber clad elevations, was clearly subsidiary to the host dwelling. The mainly brick building as erected has not been shown to be constructed to serve the needs of any particular occupant. It would have considerable disadvantages for many disabled people.
10. Whilst the Council is supportive of accommodation for dependent relatives, it is also resistant to development which adversely affects the character and appearance of the countryside. The new dwelling is not an annex and is of substantial size with no justification, which conflicts with the countryside protection and dependant relative's accommodation aims of Dover's Core Strategy policies DM 1, DM 9 and DM 15. Amounting to a separate dwelling, it is well away from the nearest settlement, does not function well in terms of sustainability and does not add to the overall quality of the area. It is unsympathetic to the local countryside character and landscape setting, which conflicts with guidance in the National Planning Policy Framework.
11. For these reasons, the appeal should not succeed.

Paul Jackson

INSPECTOR