



Appeal Decision

Site visit made on 2 March 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

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

Decision date: 16 July 2021

Appeal Ref: APP/V2255/W/20/3247917

1 Dawsons Row, Water Lane, Ospringe, Faversham, Kent

- 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 G Bolshier against the decision of Swale Borough Council.
- The application Ref 19/55426/FUL, dated 3 November 2019, was refused by notice dated 2 January 2020.
- The development proposed is Proposed 2 storey extension to rear of dwelling, detached garage with studio/hobby room over an enlarged garden.

Decision

1. The appeal is dismissed in so far as it relates to the proposed detached garage and allowed in so far as it relates to the proposed 2 storey rear extension subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as they only relate to the proposed extension: Location Plan 1:1250 OS, Block Plan as Existing 1:500 OS; Block Plan as proposed 1:500 OS; 579-01P4 existing plans ground and first floor; 579-02P4 existing elevations; 579-07P4 proposed plans, ground floor; 579-08P4 proposed plans first floor; 579-09P4 proposed elevations; additional elevations and unnumbered axonometric view; Planning and Heritage Statement.
 - 3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the local planning authority, and work shall be implemented in accordance with the approved details.

Procedural Matter

2. In determining this appeal, whilst I have included in the banner heading, the description of proposed development used by the appellant on their application form, I have determined the appeal on the basis of the description used by the Council. I consider that this more accurately reflects what is proposed. This reads as, 'Change of Use of land to residential garden. Erection of 2 storey rear extension and detached garage with room above'. Accordingly, I have determined the appeal on this basis.

Main Issue

3. The effect of the development proposed on the character or appearance of the area, with particular regard to the Ospringe Conservation Area (CA).

Reasons

4. The appeal site lies within the Ospringe CA at the end of a terrace of small 2 storey residential properties. There is no dispute between the parties on the proposed 2 storey extension to the main property. This would be modest in scale reflecting the proportions of the host property. For these reasons it would not adversely impact on the character and appearance of the CA.
5. In contrast, the proposed double garage would be a large addition to the appeal site. This would be completed with a pitched roof allowing an attic room. The garage would partially occupy a site at the side of the host property which is used for parking but due to its length would require excavation of part of a paddock to the rear. This would limit the extent of its impact on the CA.
6. However, these measures would not adequately mitigate for the size of this separate building. Furthermore, they only serve to demonstrate the large size of the garage which given its location would adversely impact on the character and appearance of the CA when viewed in the context of the size of the host property and in turn the scale of the individual properties which comprise the adjacent terrace.
7. Although the appellant identifies the scheme with traditional barns, the design context is at odds with this architectural tradition given that the proposed garage would be so large when compared to the host building and set so close. Additional planting would not overcome the shortcomings in the scheme.
8. Accordingly, I conclude that the proposal would be harmful, insofar as it relates to the proposed garage, to the appeal site and in turn to the character or appearance of the area with particular regard to the Ospringe CA.
9. Policies, CP4, DM14, DM16 and DM33 of Bearing Fruits 2031: the Swale Borough Plan and the Councils published guidance¹, seek to ensure that development should safeguard or enhance designated heritage assets, respect local character and ensure that development in conservation areas will only be permitted where it will preserve or enhance its character or appearance.
10. For the purposes of paragraph 196 of the National Planning Policy Framework 2019, the proposals would result in less than substantial harm to the significance of a designated heritage asset. Whilst the appeal scheme would result in a new garage that would benefit the appellant, this does not amount to a public benefit that would outweigh the harm that would occur to the character or appearance of the CA.
11. Therefore, whilst the proposal may comply with some elements of local and national policies, the proposed garage would conflict with the development plan and the Framework overall, for the reasons set out above.

Conditions

12. I have imposed conditions for materials and plans for reasons of certainty.

¹ Conservation Areas

Conclusions

13. For the above reasons having regard to all other matters, I hereby allow the part of the appeal scheme which relates to the 2 storey rear extension and dismiss that part of the scheme which relates to the erection of the garage.

Stephen Wilkinson

INSPECTOR