



Appeal Decision

Site Visit made on 3 August 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/V2255/W/20/3261406

1 & 2 Oak Barn Cottages, Yaugher Lane, Hartlip, Kent ME9 7XE

- 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 David Dodds against the decision of Swale Borough Council.
 - The application Ref 20/502569/FULL, dated 12 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is double storey rear and side extensions with roof alterations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing dwellings and the wider area.

Reasons

4. The appeal site encompasses a pair of semi-detached two storey cottages. These dwellings form part of a loose knit group of unrelated buildings located immediately to the north of the M2 motorway, which is in a cutting at this point. The site is bound to the east by Yaugher Lane, a country lane which provides access to the site. Despite the proximity of the motorway, the area is predominantly open, agrarian and rural in character.
5. The policies in the Local Plan², and Policy DM11 in particular, seek to ensure that extensions to dwellings in rural areas are of an appropriate size, scale, mass and appearance in relation to the original dwelling and its location. The Local Plan references the Supplementary Planning Document³ (SPD) on householder extensions as a source of further detail and guidance. The SPD indicates that extensions which increase the floorspace of a dwelling in a rural area by more than 60% are unlikely to be supported by the Council.

¹ National Planning Policy Framework (2021)

² Bearing Fruits 2031 – The Swale Borough Local Plan (2017)

³ Designing an Extension – A Guide for Householders

6. Although both the main parties have focussed a lot of their attention on this 60% figure and the provenance of the flat roof rear projections, this figure is only guidance. The overriding consideration, as driven by the policies in the Local Plan, is to ensure that extended dwellings retain an appropriate size, scale, mass and appearance.
7. The proposal would comprise two storey side and rear extensions which would wrap around the properties. From the front, the extensions appear relatively modest, being slightly set back from the front elevation, in order to create some element of subservience. However, this would largely be negated when viewed from the side and rear. From the side, the proportions of the original dwellings would be lost and from the rear, the double hipped roofs on each dwelling would exemplify the scale of the works. The resulting over-extended appearance to the rear elevations would compound the loss of the simple design and appearance of the existing dwellings.
8. Due to the site being above the level of the motorway and the existence of mature planting along the site's southern and eastern boundaries, the dwellings would not be widely visible from outside the site. However, the Local Plan is clear that extensions must have an acceptable relationship with the original dwelling. As such, the limited visibility of the works does not provide a justification for the proposed development.
9. I therefore conclude that the extensions would result in unacceptable harm to the character and appearance of the existing dwellings. Accordingly, the development conflicts with Policies CP4, DM11, DM14 and DM16 of the Local Plan and the guidance in the SPD, which amongst other things, require extensions to be well designed, sized and scaled in relation to the property to be extended.

Other Matters

10. The appellant suggests that the dwellings would benefit from permitted development rights and that this could be more impactful than the proposed scheme. However, there is no Certificate of Lawfulness before me to confirm this, nor is there any indication that the appellant would pursue such an option. In addition, and as the Council points out, permitted development rights would not include the wrap around design which is before me. In such circumstances, the weight I could give to potential permitted development rights would be limited and not outweigh the harm and conflict with the development plan that I have found in relation to the proposed development, and to which I ascribe substantial weight.

Conclusion

11. The proposal would harm the character and appearance of the host dwellings and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR