



Appeal Decision

Site visit made on 27 July 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/V2255/D/21/3267472

1 New Houses, Broom Street, Graveney ME13 9DW

- 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 & Mrs Jefferys against the decision of Swale Borough Council.
 - The application Ref 20/504874/FULL, dated 10 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is Erection of a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear extension at 1 New Houses, Broom Street, Graveney ME13 9DW in accordance with the terms of the application, Ref 20/504874/FULL, dated 10 October 2020, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.
 - 4) Prior to occupation of the development hereby permitted the existing boundary fence between 1 and 2 New Houses and the outhouse building at the rear of 2 New Houses, shall be retained, reinstated or replaced with a matching timber fence of the same dimensions.

Main Issue

2. The main issue is the effect on the living conditions of the residential occupiers of 2 New Houses (No.2) with reference to enclosure.

Procedural Matters

3. Since Swale Borough Council's (the Council) refusal of the application Ref 20/504874/FULL the Government has published a revised National Planning Policy Framework. Therefore, in line with Planning Practice Guidance, my consideration of the issues of this appeal has been on the basis of the National

Planning Policy Framework (2021) (the Framework) and the Swale Borough Local Plan (2017) (the Local Plan). Neither the appellant nor the Council have indicated that this is prejudicial to their cases.

4. The description of development used for the original application includes explanations justifying the proposal, for clarity I have used the description used in the Council's decision notice.

Reasons

5. 1 New Houses (No.1) is one of three terraced cottages forming part of a collection of dwellings on Broom Street, a country lane otherwise surrounded by fields.
6. No.1 has previously been the subject of a two-storey rear extension, and the proposal would replace an existing pergola structure at the rear of the house with a further flat roofed single storey rear extension.
7. The proposed extension has been the subject of a refused application for a larger householder extension under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
8. The proposed extension that would sit across approximately half the width of the existing cottage and would project a maximum of approximately 4.3 Metres from the rear wall of No.1, resulting in a flank wall along the boundary with the adjoining terraced cottage at 2 New Houses (No.2).
9. Although the proposal would further extend this house in the countryside, its location at the rear would not be apparent in most wider views and would not harm the character of this short terrace of cottages, or the rural character of the local area.
10. The proposed extension would align with a single storey building in the rear garden of No.2, which appears to have been the original coal stores and outhouses for the 3 houses in the terrace, but that now solely forms part of the Property and No.2. This outhouse building forms the rear of what is experienced as an enclosed courtyard at the rear of No.2, with the rest of its rear garden accessed through a covered passage in the outhouse building.
11. At just under 3 Metres tall, the flank wall of the proposal would sit along the boundary with No.2 and would be approximately the same height as the existing pergola structure and boundary fence, which currently forms part of the enclosure of the courtyard at No.2.
12. Notwithstanding that the proposal would replace an open pergola structure with a solidly constructed extension, I find that due to the presence of the existing tall fence and limited height and flat roof of the proposal, it would not add any further undue sense of enclosure to the rear of No.2. Further, the proposal would result in the sense of enclosure in the existing courtyard space, which forms part of the character and charm of the cottage at No.2, remaining very much as currently experienced by its occupiers.
13. The council has drawn my attention to guidance for extensions contained in the Council's Supplementary Planning Guidance 'Designing an Extension - A guide

for Householders', which states that an extension on the boundary with an adjoin property should not have a depth of more than 3 Metres.

14. This guidance is a material consideration to which I have given considerable weight, however guidance needs to be applied to a variety of circumstances. In this instance the presence of the outhouse building at No.2 and the existing sense of courtyard enclosure at the rear of this cottage I have identified, would not justify the depth limit suggested in the guidance. Particularly if the existing fence was to be retained or replaced by a suitable alternative, which could be made the subject of a suitable condition on any approval.
15. For these reasons, I find that the existing sense of enclosure experienced at the rear of No.2 would be unaffected by the proposal, which would not, therefore result in harm of any significance to the living conditions of the occupiers of this cottage. The proposal would therefore accord with Policies CP4, DM14 and DM16 of the Local Plan and Paragraph 130 of the Framework, which, amongst other matters, seek to ensure that development is of good design and protects the amenity of neighbouring residential occupiers.

Other Matters

16. The Council have raised the issue of an approval resulting in a precedent being set for similar development proposals at neighbouring properties. However, planning proposals are considered on their own individual merits, which is a principle that underpins the planning system, and is one that I have followed in my consideration of this appeal.

Conditions

17. I have had regard to the conditions suggested by the Council and along with the required condition relating to timing of implementation, I have added conditions relating to plans and materials for clarity. In the interests of visual amenity, I have included a condition relating to the retention or replacement of the boundary fence. As the proposed development would be in close proximity to other dwellings, I have added a condition limiting the times of construction.

Conclusion

18. For the reasons given above the appeal is allowed.

Victor Callister

INSPECTOR