



Appeal Decision

Site Visit made on 21 September 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/V2255/D/21/3274061

2 Primrose Place, The Street, Doddington ME9 0DA

- 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 Jonathan Bettinson against the decision of Swale Borough Council.
 - The application Ref 21/500014/FULL, dated 28 December 2020, was refused by notice dated 18 February 2021.
 - The development proposed is "Proposed single storey rear extension".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: (i) the character and appearance of the area; and (ii) the living conditions of the occupants of No.1 Primrose Place ('No.1').

Reasons

Character and Appearance

3. The appeal site is a long, narrow plot occupied by one half of a pair of two storey semi-detached houses with a hipped roof, located within a rural area forming part of the Kent Downs Area of Outstanding Natural Beauty ('the AONB'). A single storey flat roofed extension exists at the rear of the appeal building; it is proposed to extend that part of the appeal building further along the boundary shared with No.1 to create a flat roofed family room.
4. Neighbouring properties to the west are set back a long distance from the highway behind open front gardens, affording views along the side and to the rear of the appeal site from those gardens and the highway, despite the intervening planting. The proposal would also be seen in limited views from neighbouring gardens to the east, due to its height above the boundary fence line. In all these views it would appear as an uncharacteristic, poorly designed feature on account of what would be an unattractive flat roof and the extent it would protrude from the house. Its appearance would be functional and sprawling, rather than reflect the pleasant qualities of the existing modest house and its open surroundings. The use of matching facing brickwork would not address this harm.
5. The proposal would therefore harm the character and appearance of the area and fail to accord with Policies CP 4, DM 11, DM 14 and DM 16 of the Council's

Local Plan¹ and the Council's Supplementary Planning Guidance² ('the SPG'). These policies require, amongst other things, extensions to be of an appropriate design and appearance which respond positively to the style and character of the building being extended and reflect the positive characteristics and features of the site and locality. The SPG supports those policies, advising the Council considers a maximum 3m projection would generally be acceptable for single storey rear extensions, unless there would be a gap between the extension and any shared boundaries.

Living Conditions

6. The proposal would run along the boundary shared with No.1 at a height of 2.55m. The Council advise the depth of the proposal combined with the existing rear extension along the shared boundary would be approximately 8.5m. No.1 has also been extended to the rear and a glazed conservatory is located along their side of the boundary, with a shed positioned further beyond. The Council have calculated the combined depth of No.1's rear extension and conservatory to be approximately 6m.
7. The height of the proposal would exceed that of most residential boundary fences and would have an enclosing effect on the occupants of No.1, in what is otherwise a largely open setting. Even when considering the presence of No.1's rear extensions and shed along the shared boundary, and the expansive garden area serving No.1, the proposal would reduce the outlook enjoyed by the occupants of that property. The level of harm caused to the living conditions of those occupants would be low, but unacceptable. This would be due to the combined length of the proposal and the existing extension, which would be excessive at the height proposed directly along the shared boundary, forming part of the immediate backdrop to No.1's conservatory and garden.
8. The proposal would therefore have a harmful effect on the living conditions of the occupants of No.1. In addition to the reasons referred to in the first Main Issue, the proposal would fail to accord with other aspects of Policies CP 4, DM 14 and DM 16 of the Council's Local Plan, including the need for development to create comfortable places and protect residential amenity.

Other Matters

9. Reference has been made to Policies DM 19 and DM 20 of the Council's Local Plan and the Framework³, which the appellant claims offer support for the proposal. No information has been presented to explain how the proposal would include measures to address and adapt to climate change or otherwise be supported by Policy DM 19, save for a passing reference to the possibility that roof mounted renewable energy equipment may be added to the extension in the future. Policy DM 20 states planning permission will be granted for the development of renewable and low carbon energy sources where ten criteria apply, but the proposal does not relate to any such energy sources. I have not been directed to any specific parts of the Framework which may offer support for the proposal, but Paragraph 126 explains that good design is a key aspect of sustainable development, and I have found the proposal would comprise poor design.

¹ 'Bearing Fruits 2031': The Swale Borough Local Plan (2017)

² Designing an Extension: A Guide for Householders (undated)

³ The National Planning Policy Framework (2021)

10. Policy DM 24 of the Council's Local Plan has been referred to in the Council's officer report, but was not relied upon in the decision notice. The Council's reason for refusal does not allege landscape harm or any harm to the special qualities or distinctive character of the AONB. The appellant has not suggested that the proposal would conserve and enhance those qualities and character and has not identified any aspects of Policy DM 24 that would offer support to the proposal.
11. My attention has also been drawn to a number of other planning decisions relating to extensions in the surrounding area. I viewed Post Office Cottage and The Old Post Office from the highway immediately following my site visit, and although there would be similarities between the extent of those extensions referred to and the proposal, there would be a number of different considerations, including the limited visibility of those extensions outside of their sites, their mutual interaction, the comparative overall size of each dwelling, and their overall designs. Each proposal should be assessed on its own merits and I do not consider any of the other planning decisions referred to would justify the harm I have identified in this case.
12. The appellant has also referred to what they consider to be a realistic fallback position comprising the erection of an outbuilding under the provisions of the GPDO⁴, followed by an application for planning permission for a linking extension which the appellant argues would be likely to be granted. I have not been presented with a certificate of lawfulness confirming an outbuilding of the specification suggested by the appellant would be lawful and there is no certainty the linking extension mentioned would be granted planning permission. No detailed plans of this claimed fallback position have been presented. Based on the information available, aside from whether this would comprise a realistic fallback position, I would afford minimal weight to the suggestion that the effect of such works on the character and appearance of the area and the living conditions of neighbouring residents would be similar to, or more harmful than, the proposal.

Conclusion

13. The proposal would harm the character and appearance of the area and the living conditions of the occupants of No.1 Primrose Place in 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.

L Douglas

INSPECTOR

⁴ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)