
Appeal Decision

Site visit made on 30 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal Ref: APP/V2255/W/21/3273734

13 Hempstead Lane, Tonge, ME9 9BH

- 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 James Mohammed against the decision of Swale Borough Council.
 - The application Ref 20/505692/FULL, dated 26 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is erection of car barn and store in front garden.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of detached car barn with store and first floor at 13 Hempstead Lane, Tonge, ME9 9BH in accordance with the terms of the application, Ref 20/505692/FULL, dated 26 November 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 development hereby permitted shall be carried out in accordance with the following approved plans: P1002 Rev B Location Block Plan; P1003 Existing Block Plan; P1001 Rev B Proposed Garage Floor Plans and Elevations.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.
3. As part of the appeal the appellant has submitted a revised plan which omits the rooflights within the roof of the garage. However, I have not considered this as part of this appeal as whilst I consider that this change would not materially alter the nature of the application, it would result in a discrepancy between the submitted block plan and elevations¹.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

5. The appeal site comprises 13 Hempstead Lane, a two storey link-detached dwelling, which is part of a row of dwellings which front onto Hempstead Lane. The majority of the properties are set back from the road frontage to allow for parking and benefit from well proportioned plots. The linear form of development continues for the length of Hempstead Lane and contributes to its overall character.
6. No 13 is the last dwelling within the row and opposite the appeal site is a collection of large commercial/agricultural buildings with the countryside beyond. As a result the site has an established edge of settlement feel, contributing to a transition between a settlement with countryside beyond.
7. The development proposed would result in the introduction of a detached garage including a first floor and storage at the front of the site. Whilst there is a consistent pattern of dwellings set back, with open frontages devoid of structures along Hempstead Lane, the introduction of a building in the location proposed would act as a visual stop to the residential development within this part of Hempstead Lane.
8. The siting of the development, having regard to the overall size of the site and in particular its position at the end of the existing row of dwellings, would not reduce to a detrimental extent the openness experienced in the locality. Nor would the development have an adverse effect on the rural character of the wider area, taking into account its setting adjacent to existing commercial uses.
9. I have had regard to the Swale Borough Council Supplementary Planning Guide - Design and Extension Guide for Householders (SPG) which provides general advice for householders. It notes that the provision of car parking in the front garden is unlikely to be suitable as the position is likely to create a poor appearance in the street scene. However, for the reasons I have outlined above I have found that in this instance the proposal would not result in harm to the character and appearance of the area and therefore there is no conflict with the SPG.
10. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policies CP4 and DM14 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 which together seek to achieve good design which is appropriate to its surroundings and well sited.

Conditions

11. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty. I have not been provided with any suggested conditions from the Council and I am satisfied that there are sufficient details on the submitted plans that a materials condition is not necessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

G Pannell INSPECTOR