



Appeal Decision

Site visit made on 14 December 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/U2235/W/21/3275996

Lewis Court Cottage, Green Lane, Boughton Monchelsea ME17 4LF

- 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 J Anscombe against the decision of Maidstone Borough Council.
 - The application Ref 20/506112/FULL, dated 23 December 2020, was refused by notice dated 1 April 2021.
 - The development proposed is the erection of a detached dwelling with parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with parking and landscaping at Lewis Court Cottage, Green Lane, Boughton Monchelsea ME17 4LF in accordance with the terms of the application, Ref 20/506112/FULL, dated 23 December 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal and as such I have not sought comment from the main parties. I have had regard to the revised Framework in my decision.
3. Similarly, between the determination of the planning application and the appeal coming before me, the Boughton Monchelsea Neighbourhood Plan² (NP) has been made. The Council's statement, which post-dated this event, referred to policies within the NP and I have been provided with relevant copies of these policies. The appellant made reference to the NP in their statement (albeit attaching less weight to it, given its status at that time) and had an opportunity to comment on the Council's statement. I am satisfied that both parties have had appropriate opportunity to consider the NP, which forms part of the development plan and to which I must have regard in my decision.
4. The description of development as it is shown on the planning application form includes information pertaining to the scheme being a resubmission. It is not necessary for this to be included in my description above, which reflects that for which planning permission is sought.

¹ National Planning Policy Framework (2021)

² Boughton Monchelsea Neighbourhood Development Plan (2021)

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with specific regard to the setting of nearby listed buildings and a non-designated heritage asset.

Reasons

6. The appeal site forms part of the existing garden area of a two-storey detached cottage (Lewis Court Cottage) which is located to the rear of Lewis Court, a Grade II listed building which fronts on to Green Lane. Access to the appeal site is via a gravel drive which separates Lewis Court from White Cottage, another Grade II listed building. On the opposite side of Green Lane, which is not a wide lane, are open fields.
7. The host dwelling and appeal site provide a transition from these traditional buildings which sit in larger grounds to the more modern, semi-detached dwellings to the rear of the appeal site. The area therefore has a mixed but spacious character which is supplemented by mature planting in the immediate vicinity of the appeal site.
8. The proposed building would offer a simple two storey, pitched roof design that uses a limited palette of materials. The result gives it the appearance similar to that of a brick built rural store/outbuilding. It would be sited close to its eastern boundary, which would both limit the visibility of the building when viewed from Green Lane and help retain a visual gap between the proposed dwelling and the outbuilding to White Cottage. Its height and design would also limit the building's visibility when viewed from the houses to the rear, in Lewis Court Drive. As a result, the proposed building would not appear unduly squeezed in.
9. Even allowing for the other approved development within the garden of Lewis Court Cottage, both the host dwelling and the proposed dwelling would benefit from reasonably sized gardens which would appear slightly larger in size than the adjoining properties in Lewis Court Drive. As such, they would accord with the spacious character of the area and continue to reflect an appropriate transition to the larger gardens of Lewis Court and White Cottage to the north.
10. On a wider level, this area as a whole is said by the Council to represent a transition from the settlement to the countryside beyond. However, given the above, the additional built form would sit comfortably within the site and would not in this instance harm the wider landscape character of the area.
11. S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires me, when considering whether to permit development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM4 of the Local Plan³ broadly reflects this approach.
12. Lewis Court is a Grade II listed timber framed house which dates from the early 16th century. It fronts on to Green Lane although the building itself is set back slightly from the site's front boundary. It benefits from space to either side and the separation from buildings to the east and west is reinforced by extensive boundary planting. Given the limited width of Green Lane and the open fields

³ Maidstone Borough Local Plan (2017)

opposite, the building's setting is therefore largely derived from this immediate space around it and open rural character to the north. Given the distance and position of the listed building to the appeal site, together with the existing built form in between the two of them, I conclude that the proposal would have little impact on the character of the space around the listed building and would not therefore detract from the significance of its setting.

13. White Cottage is a Grade II listed timber framed house which also dates from at least the 16th century. Positioned on the corner of Green Lane and Meadow View Road, it is set slightly further back in its plot than Lewis Court. Like its neighbour, it also benefits from being set slightly apart from other buildings such that its grounds and the open fields to the north provide the building's key setting. Given the proposed dwelling would be positioned some distance to the rear of White Cottage and there is a large two storey outbuilding sited between the two, I find there would be no adverse effect on the setting of this listed building.
14. The two-storey outbuilding, which separates White Cottage from the appeal site, is identified by the Council as a non-designated heritage asset. It appears to have been subject to alteration and adaption and in need of some attention but is nevertheless an important component in the setting of the appeal site and the character of the area. Indeed, its position alongside the access to the appeal site and the abundance of openings on its eastern elevation together with the proximity of Lewis Court Cottage creates something of a courtyard setting.
15. The proposed dwelling would be set back and away from the existing outbuilding. However, it would be of a design and scale which would reflect the character of the rear portion of the outbuilding and would complement the courtyard setting. When viewed from Green Lane, those parts of the outbuilding which can currently be seen will remain visible and it will appear as a building in its own right. Part of the proposed dwelling would be visible in such views but would be seen as a separate building of similar height and complementary design. Overall, whilst the setting of this non-designated heritage asset would be altered, I do not consider that it would be harmed.
16. Tudor Cottage is a Grade II listed building which may have been a former barn. It is sited to the east of Lewis Court and is positioned adjacent to Green Lane. Its proximity to the road and fields opposite, together with its own densely planted garden provides its setting. Given its position and distance to the appeal site, the proposal would not harm the setting of this listed building.
17. Given my observations above, I find that there would be no harm to the heritage significance of the setting to any of the nearby listed buildings or to the non-designated heritage asset. The proposal would respect the existing spatial relationships and the character and appearance of the area as a whole. Accordingly, the proposal would accord with Policies DM1, DM4, DM11 and SP18 of the Local Plan and Policies PWP3, PWP4, RH1 and RH6 of the NP which, amongst other things, seek to ensure that development responds positively to the character of an area and that the significance of heritage assets and their settings is conserved. In this respect the proposal accords with Paragraph 130 of the Framework which, amongst other things, seeks to ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

18. I acknowledge that there has been a previous proposal for a dwelling at the appeal site although it was not pursued to a formal decision. Whilst this provides some context for the current proposal, I have considered the appeal on its individual merits and with regard to the specific circumstances of the site and its surrounds.

Conditions

19. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans.
20. Given the importance I have attached to the proposed building's design and appearance, it is necessary for details such as materials and joinery to be secured by condition. To protect the building's appearance, and avoid possible overlooking of neighbouring properties, it is also necessary to restrict any additional openings to the building's east and west elevations.
21. I have also attached importance to the height of the proposed building so that it complements neighbouring buildings. Accordingly, it is necessary for the finished ground floor levels to be clearly established before development commences and I attach a condition accordingly.
22. There are a number of mature trees on the site which provide screening, especially to the south of the site. It is important that these are protected during the construction of the dwelling. The condition needs to be pre-commencement to ensure that suitable protection measures are in place before any work commences.
23. The Heritage Assessment concluded that the possible buried archaeological interest on the site is of low significance. Nevertheless, an archaeological field evaluation in accordance with a specification and written timetable would be appropriate, given the relative proximity of heritage assets. The details of this would need to be agreed prior to work commencing on site.
24. Landscaping and biodiversity gains, together with refuse storage will need to be secured by condition to ensure they are provided. Similarly, the installation of a car charging point and external lighting would accord with the Policies PWP8 and PWP10 of the NP as well as the Framework's objectives of protecting the amenity of occupiers and contributing positively towards tackling climate change.

Conclusion

25. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of 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 approved plans listed below:

DHA/13555/01	-	Site Location Plan
JA504/2	-	Proposed Site Layout Plan
JA502	-	Proposed Elevations
JA506	-	Proposed Ground Floor Plan
JA507	-	Proposed First Floor Plan
- 3) No development shall take place until:
 - i) an archaeological field evaluation has been undertaken in accordance with a specification and timetables submitted to and approved by the local planning authority; and
 - ii) any further archaeological investigations, recording and reporting identified by the field evaluation have been undertaken in accordance with a specification and timetables submitted to and approved by the local planning authority.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 6) No development shall take place above slab level until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place above slab level until details of the internal and external joinery have been submitted to and approved in writing by the

- local planning authority. The development shall be carried out in full accordance with the approved details.
- 8) No development shall take place above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 9) The development hereby permitted shall not commence above slab level until, details for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.
 - 10) The development hereby permitted shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the local planning authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
 - 11) The dwelling hereby permitted shall not be first occupied until a scheme for the provision of facilities to enable the charging of one electric vehicle to serve the permitted dwelling has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
 - 12) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east or west facing walls at first floor level or above, of the building hereby permitted.
 - 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details first submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

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