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## Appeal Decision

Site visit made on 8 March 2022

**by Philip Willmer BSc Dip Arch RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 April 2022**

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**Appeal Ref: APP/X2220/D/22/3290128**

**2 Wickham Bushes Cottages, Wickham Bushes Road, Lydden, Kent, CT15 7JN.**

- 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 Tina Graham against the decision of Dover District Council.
  - The application Ref 21/00166, dated 28 January 2021, was refused by notice dated 14 October 2021.
  - The development proposed is the erection of an annex.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider that there are two main issues:
  - a) whether the proposed development would constitute a new dwelling in the countryside; and,
  - b) the effect of the proposed development the Area of Outstanding Natural Beauty (AONB).

### Reasons

3. The appeal property, 2 Wickham Bushes Cottages, is the middle cottage in a short terrace of three and is located in the Kent Downs Area of Outstanding Natural Beauty (AONB). The rear garden extends behind the neighbouring cottage number 1 and its side garden.
4. The appellant proposes the construction of a one bedroom, self-contained annex for the use of a dependant relative. The annex would comprise kitchen/dinning/living room, bedroom, wet room and associated storage. A new vehicle access and driveway is proposed over a strip of agricultural land to the north-east of the side garden number 1.

### *First main issue*

5. The appeal site is located outside of any settlement boundary where, in accordance with Policy DM1 of the Dover District Development Framework-Core Strategy (Adopted February 2010) (CS), along with other things, new development needs to functionally require such a location, or it is ancillary to existing development or uses.

6. I note, from the evidence, that the Council accepts, based on medical information submitted, that a need has been demonstrated for accommodation for a dependant relative here. From what I have seen and read I have no reason to disagree with the Council's findings in this respect. Accordingly, the application also falls to be considered under CS Policy DM9.
7. Amongst other things, CS Policy DM9 at criterion i) requires the accommodation to be: *designed and located so as to be able to function as ancillary accommodation to the principal (not main) dwelling and revert to single family accommodation as part of the main dwelling once the use has ceased.*
8. The proposed accommodation would be built in the rear garden of number 2. However, it would be located behind number 1 and therefore some distance from the rear of number 2, the host property. Access to the annexe would be from the patio on the far side of the property again furthest away from the host dwelling. Further, there are no doors or windows overlooking or giving access to the main rear garden area of number 2.
9. To my mind all these design features together serve to indicate a disconnect between the annex and host property. Therefore, in accordance with the requirements of CS Policy DM9, it might be difficult to revert the annex to use as single family accommodation as part of the main dwelling once the use has ceased.
10. I fully appreciate that it may well be one of the aims of the design to provide both, a sense of privacy and independence for the intended dependant occupier. Nevertheless, all these considerations, when taken together with the new vehicle access to the annex serve to significantly diminish the relationship between the annex and the host property. Thereby giving the proposed building more the appearance and functionality of a self-contained dwelling rather than an annex to the main dwelling.
11. I do not consider, in this case, that the use/occupation of the annex could be appropriately controlled by a planning condition imposed on any grant of planning permission. On balance therefore I conclude in respect of the first main issue that the proposed annex, by virtue of its design and siting, would by reason of having a limited relationship with the host dwelling be tantamount to a new dwelling in the countryside which would be contrary to CS Policies DM1 and DM9.

#### *Second main issue*

12. Wickham Bushes Road is a typical narrow country lane with vegetation to both sides with some views of open farmland beyond. As I saw, albeit limited there are views of the rear garden of number 2 from the public realm. The annex would therefore be open to some public view.
13. The existing cottages here are typical two-storey vernacular dwellings with steeply pitched roofs. In contrast the proposed annexe, by reason of its design would appear as a small modern hipped roofed bungalow, typical of those found on suburban housing estates. It would not have any of the characteristic features of a typical subordinate ancillary rural building, more typical of a countryside location such as here.

14. Although it would have a low shallow pitched roof and a relatively small plan form it would by reason of its contrasting design nevertheless appear as a prominent and incongruous building here. In my judgement, if built as designed it would cause significant harm to the street scene, countryside and thereby the AONB.
15. While the final selection of facing materials may well help the building better assimilate into the site, materials alone would not diminish the uncharacteristic built form proposed.
16. The proposal also involves the change of use of agricultural land to residential land; the narrow strip of land forming the new access and extension to the garden to the north. This would result in the loss of countryside. Although small and not resulting in an unacceptable level of harm on its own, it would nevertheless add to the harm that would result from the construction of the proposed annex as designed.
17. I note the Council's concern about the proposed boundary fencing and planting. However, If I were minded to allow the appeal these are matters that could be addressed by condition. Nevertheless, I conclude in respect of the second main issue that the proposed annex, by virtue of its form and siting would, along with the new access, be an incongruous and insensitive development resulting in harm to the character and appearance of the street scene, countryside and thereby the AONB. To allow it would be contrary to the objectives of the National Planning Policy framework, CS Policies DM15 and DM16, the National Design Guide and Policies SD2 and SD9 of the Kent Downs AONB Management Plan 2021-2026 as they relate to, along with other things, the conservation and enhancement of the local character, qualities and distinctiveness of the Kent Downs AONB.

### **Other Matters**

18. In reaching my decision I have had regard to the fact that a need has been demonstrated for accommodation for a dependant relative here. While I am sympathetic to this consideration, on balance, it does not outweigh the harm the annex as designed would cause in the long term to the character and appearance of the AONB.

### **Conclusions**

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR