



Appeal Decision

Site visit made on 5 October 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal Ref: APP/U2235/D/22/3299822
28A Manor Rise, Bearsted ME14 4DB

- 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 Mrs Debbie Gibbs against the decision of Maidstone Borough Council.
 - The application Ref 22/500099/FULL, dated 10 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is the construction of an annexe in the rear garden.
-

Preliminary matter

1. The Appellant has submitted a drawing with the appeal showing ground levels in relation to the proposed building. However, the Council have not had an opportunity to comment on this and to take account of it would prejudice their interests. I shall therefore disregard it in making this decision.

Decision

2. The appeal is allowed and planning permission is granted for the construction of an annexe in the rear garden, at 28A Manor Rise, Bearsted ME14 4DB in accordance with the terms of the application, Ref 22/500099/FULL, dated 10 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 28APDB comprising floor plans, elevations and a section at a scale of 1:50 with existing and proposed Block Plans at a scale of 1:200 and a separate un-numbered location plan at a scale of 1:1250.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed within the roof or wall of the north facing elevation of the building hereby permitted.

- 5) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 28A Manor Rise.
- 6) No development above slab level shall commence until details of a scheme of biodiversity enhancement, including measures both integrated within the building shell and within the site curtilage, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first use of the building and all features shall be retained thereafter.

Main issue

3. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

4. The proposed development is a detached outbuilding that would be used as an annexe. It would be built in the rear garden of the detached dwelling at 28A Manor Rise. The Council draws attention to a number of dimensions. The annexe would be about 5.7m from the flat roof single storey rear extension to the associated house and 1.7m taller, while being 7m from its two storey part.
5. In my view, these figures are indicative of an appropriately spacious siting, with adequate distance between the new building and the house. The reasonably open nature and size of the garden would not be significantly diminished. There would be no appreciably adverse effect on the setting and surroundings of the host dwelling.
6. The eaves height of 3.5m and ridge height of 5.2m of the new structure would not, in themselves, be excessive or unreasonable for an outbuilding. The new annexe would have the ridge of its pitched roof at 0.3m lower than the eaves level of the host dwelling. The footprint of the outbuilding would be a relatively modest proportion of that of the house.
7. Moreover, the main roof of the house would rise significantly above that of the proposed outbuilding, appearing fairly imposing and dominant in relation to it. As a result of factors such as these, the new outbuilding would be subordinate to the fairly substantial two storey dwelling. This would be the case despite the new structure being taller than the flat roof rear addition.
8. The amount of wall above and below the window and over the door in the wall of the south elevation are not indicative of a poorly proportioned building. Moreover, the vertical dimension of the roof itself is a reasonable proportion of that of the wall below. The basic rectangular plan form and pitched roof are appropriate for an outbuilding. The facing materials would match those of the host dwelling. As a result, I see no reason why matters such as the design, height and proportions of the new building should not be considered appropriate.
9. In these circumstances, the outbuilding would not be overly large, compete with the host dwelling, overwhelm it, or appear incongruous. It would be sympathetically related to the existing dwelling. The Council asserts that other outbuildings nearby at other properties have lower eaves levels than now

- proposed. Even if that is the case, based on the evidence before me, the footprint of the new building and its overall height would be less than those of the immediately adjacent building at 27 Manor Rise. Although now a dwelling, this started life as a detached garage and was then extended to its current extent before an appeal was allowed regarding its use as a separate dwelling.
10. The outbuilding would not be easily seen from any public viewpoint and there would be no adverse visual impact on the streetscene. For the above reasons, it is concluded that the character and appearance of the host dwelling and locality would not be harmed.
 11. Maidstone Borough Local Plan 2017 Policy DM 1, among other things, seeks high quality design, which would be satisfied in this case. The height, scale, form, appearance and siting of the proposal would fit unobtrusively with the existing building and context, in accordance with these intentions of Policy DM 9 1i.
 12. The Council's Residential Extensions, Supplementary Planning Document (SPD) 2009, states that "Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene". Given the above findings there would also be compliance with the SPD.
 13. Taking account of all other matters raised and given the absence of harm, it is determined that the appeal succeeds.
 14. A condition specifying the approved plans is necessary to provide certainty. Another requiring the facing materials to match those of the existing dwelling is needed to protect the appearance of the locality. Permitted development rights for additional windows in the north facing elevation and roof should be removed to protect the privacy of the adjacent occupiers at 30 Manor Rise. For the avoidance of doubt the new building should not be used other than for ancillary purposes to the host dwelling. A condition that biodiversity measures should be implemented is justified to accord with Policy DM 1 (viii).
 15. The Council's report on the application refers to a condition requiring the four rooflights facing towards the side boundary with no. 28 to have obscured glazing and be fixed shut. However, the upper mezzanine floor would only be beneath the single light nearest the western end. Overlooking would not therefore be readily possible from the ground floor level below these openings. The single rooflight serving the upper floor would face towards the rearmost part of the garden at the adjacent dwelling. Moreover, they would all do so at a distance of 11m to the boundary anyway. The appreciably sloping nature of the windows would also tend to limit the ability of occupiers to overlook the adjacent garden. In these circumstances such a condition would not be justified.

M Evans

INSPECTOR