



Appeal Decision

Site visit made on 8 November 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/U2235/W/22/3296684

1 Brickfield Cottages, Coldblow Lane, Thurnham ME14 3LR

- 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 and Mrs Cherry against the decision of Maidstone Borough Council.
 - The application Ref 21/505106/FULL, dated 16 September 2021, was refused by notice dated 11 January 2022.
 - The development proposed is demolition of an existing bungalow and erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal of the character and appearance of the countryside, including that of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Friningham Downs Character Area (FDCA), an area of dry landscape and downs, designated for its high landscape value.

Reasons

3. The appeal site is surrounded by fields and is currently occupied by a small, hipped roof bungalow with two outbuildings and hardstanding for parking. It is located in otherwise open countryside outside the boundary of any defined settlement and is accessed from Coldblow Lane, a country road that at this point winds through the Kent Downs Area of Outstanding Natural Beauty (AONB)
4. Having regard to Paragraph 176 of the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's.
5. The proposal is to replace the existing bungalow with a larger two storey house of contemporary design, with a more extensive footprint that would sit partly within an excavated area. The proposal would be constructed using flint set in walls and gabions that would be harvested from the excavation within which the proposal would sit, along with vertical timber cladding. The roof of the proposed dwelling would be of a flattened concave wing design that, despite

- the additional storey would be less than a meter taller than the roof of the existing bungalow.
6. Compared to the existing bungalow the proposal would represent a significant increase in the volume and bulk of development on the appeal site, notwithstanding the extant permission¹ for a 'car barn' on the appeal site.
 7. The site is prominently located in an elevated part of the Downs, with extensive long views over the surrounding countryside and is visible from public footpaths that pass within its purview. However, close to the appeal site it is screened by mature trees and hedging, especially along Coldblow Lane.
 8. The materials for the external cladding and finishes of the proposal would be visually recessive and I am content that the effect of light spill from the proposed extensive areas of glazing could be controlled through the application of a suitable condition related to the technical specification of the glass to be used.
 9. However, the proposed roof form, despite being only slightly taller than existing would result in this increase in height being across much of the proposed dwelling, resulting in a squared off roof profile and, unlike the existing bungalow, not just at the roof apex. This would result in the replacement dwelling appearing as unduly prominent, rather than recessive, in views across the wider area. The two storey proposal would, therefore, have a dominating and visually imposing roofline when considered alongside the varied and more natural forms of trees and hedges on the existing horizon.
 10. For these reasons, and notwithstanding the siting of the proposal within a partly excavated area, the proposal would appear from many vantage points to be an intrusive intervention that would impose on the natural topography and beauty of the area rather than sitting within it. Whilst the appearance of the proposal would be softened in this regard by the existing trees and hedging in some views, this screening is not so extensive that it would screen the proposal from all vantage points and is not guaranteed to be a permanent situation.
 11. For these reasons the increase in height, bulk and the fundamentally horizontal nature of the massing of the proposal, would result in it appearing unduly prominent and incongruous within its countryside setting and would be harmful to the character and appearance of the local area, including that of the FDCA, and harmful to the landscape and scenic beauty of the AONB. This would conflict with policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan (2017), the Kent Downs AONB Management Plan and paragraph 176 of the Framework, which collectively seek to ensure that development is of high quality design that does not harm the character and appearance of the area, responds to landscape value, is no more visually harmful than the existing dwelling and conserves or enhances the AONB's landscape character and scenic beauty.
 12. The appellant has also drawn attention to the permitted development rights that the property has, in line with the General Permitted Development Order (GPDO)². The appellant has shown that a substantial single storey extension could be carried out to the existing bungalow, albeit with apparently less floorspace than the proposed development. The appellant is of the view that

¹ Planning Ref:20/505189/FULL

² The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 (as amended)

the proposal presents a preferable alternative to the type of development that would be possible through the implementation of the permitted development rights and the implementation of the extant permission.

13. However, the extensions permitted under the permitted development rights set out in the GPDO would leave the existing bungalow intact and would be only a single storey in height with a more traditional roof form, as would the permitted car barn. The result would, therefore, be a development of less height and bulk than the proposal, with a less prominent roof form. I find, therefore, that the impact of extensions permitted under the GPDO would not be as great as the proposal. As such, this is a matter of only very limited weight in favour of the appeal scheme.
14. Whilst I acknowledge the advice provided to the Council with regard to the Kent Downs AONB Management Plan, it is for the decision maker to assess this advice along with all material considerations in making their decision, and I have done likewise in my determination of this appeal.

Conclusion

15. For the reasons given above, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR