



Appeal Decision

Site visit made on 14 December 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/U2235/D/22/3296790

Fulling Mill House, Caring Lane, Leeds, ME17 1TJ

- 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 Robin Malkin against the decision of Maidstone Borough Council.
 - The application Ref 21/506237/FULL, dated 18 November 2021, was refused by notice dated 18 January 2022.
 - The development proposed is an extension to an existing garage within the curtilage of a listed building.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to an existing garage within the curtilage of a listed building at Fulling Mill House, Caring Lane, Leeds, ME17 1TJ in accordance with the terms of the application, Ref 21/506237, dated 18 November 2021, 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 drawing nos M1771/DO1 rev 1 and M1771/DO3 rev 2.
 - 3) No development above foundation level shall take place until details or samples of the external materials to be used in the construction of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.

Preliminary Matters

2. The Council questions whether the proposal should be considered as a householder appeal given the reference to storing equipment and machinery to maintain the appellant's fields as well as the gardens. It also disputes whether the proposal would be within the curtilage of the dwellinghouse.
3. However, although the procedural steps are shorter, the assessment of an appeal that proceeds under Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (as amended) is no different to that under Part 2. I have had regard to the Council's officer report which sets out its case and the comments about factual errors and discrepancies. No injustice would therefore be caused by deciding the appeal as following from the refusal of a householder application.

4. The appellant suggests that the plans misrepresent the scale of the existing building. I have nevertheless had regard to them as well as observations made on site. The possibility of inserting a false set of doors to the north-east elevation is raised as is building up the land adjacent to the proposed extension to the south-east. However, the appeal should be considered on the basis of the application submission.

Main Issue

5. This is the effect of the proposed extension on the character and appearance of the surrounding area.

Reasons

6. Fulling Mill House is a grade II listed building dating from the fifteenth century. It forms part of a small collection of attractive buildings in a picturesque setting on either side of the River Len. The site is within the Len Valley Landscape of Local Value. The proposal is to extend an existing garage to house equipment and machinery required to maintain the appellant's land. It would occupy an area of 4.53m by 6.2m deep and would be visible from surrounding public rights of way to the east and south.
7. Policies in the Maidstone Local Plan set design principles in the countryside as well as for good design generally. Proposals to extend dwellings in the countryside should result in visually acceptable development according to Policy DM32. The Supplementary Planning Document on *Residential Extensions* advises, amongst other things, that garages should not impact detrimentally on the space surrounding buildings or the character and openness of the countryside by virtue of their scale, form or location. Policy SP17 seeks to conserve and enhance the distinctive landscape character of the Len Valley.
8. The extension would replicate the simple design and materials of the existing building with a clay tile roof and white render with brick quoins. The extent of Kentish ragstone walling on the north-east elevation would not be unappealing. Although the building and its ridge would be extended in length, the rectangular plan form created would result in a pleasing and well-proportioned structure. The scale of the outbuilding would not be excessive or overly bulky when seen in the context of the much larger Fulling Mill House and other buildings in the vicinity, including the barn under construction. It would be fairly close to the dwelling and would sit comfortably at the foot of the sweeping hillside to the south-east.
9. The proposal would extend beyond a yew hedge that appears to mark a division between the more formal garden associated with the house and the open land beyond. Built development would spread southwards towards the unspoilt countryside. However, the change would not be a significant one and a meaningful gap would remain between the end of the garage and the rising land on the other side of the fence line. A sense of transition between the cluster of development and the wider countryside would be retained and its overall openness and character would not be eroded.
10. Irrespective of whether the proposed extension would be within the residential curtilage of the dwelling, it would not harm the character and appearance of the surrounding area. The landscape qualities of the Len Valley would be

preserved. It would therefore comply with Policies SP17, DM1, DM30 and DM32 of the Local Plan.

Other Matters

11. There is a general duty to have special regard to the desirability of preserving listed buildings or their settings. The extension would be further from Fulling Mill House than the existing garage. Having regard to this visual relationship, the separation that would exist and the difference in levels, the proposal would not damage the listed building's setting which would therefore be preserved.

Conditions

12. The plans should be specified in the interests of certainty. The extension should be undertaken in materials to match the existing garage. However, given the sensitivity of the location, samples or details of these should be approved in order to ensure that they are complementary.
13. The appellant refers to his intention to undertake further hedge planting. Whilst this would be welcome, it is not necessary to make the development acceptable and therefore should not be the subject of a condition.

Conclusion

14. The proposed extension would accord with the development plan and there are no material considerations that indicate a contrary decision should be taken. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR