



Appeal Decision

Site visit made on 19 January 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/V2255/D/22/3307168

Gilron, Bell Farm Lane, Minster-on-Sea ME12 4JA

- 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 Peter Lay against the decision of Swale Borough Council.
 - The application Ref 22/502523/FULL, dated 17 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is described on the application form as "Single storey lounge and dining room extension with rendered cavity wall good home neva composite screen to be installed on west side of balcony".
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Preliminary matter

1. The Appellant and the Council have used the same description of development on the appeal form and decision notice. This includes reference to a previous application and use of the term retrospective, neither of which constitutes an act of development. Subject to removing these matters I have used this in my decision below as it provides a more accurate description of the development the subject of this appeal than that given on the application form.

Decision

2. The appeal is allowed and planning permission is granted for the erection of two dormer windows with balconies on rear roof slope, addition of balcony to existing rear dormer window and use of flat roof as roof terrace, with railings. Proposed erection of single storey rear extensions and installation of composite screen to west side of western rear balcony and roof terrace, at Gilron, Bell Farm Lane, Minster-on-Sea ME12 4JA, in accordance with the terms of the application, Ref 22/502523/FULL, dated 17 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout 220518 Rev 001, Proposed 1st Floor Layout 220519 Rev 001, Proposed Elevations 220520 Rev 001, Existing & Proposed Plot Plans 220521 Rev 001.
 - 2) The materials to be used in the construction of the external surfaces of the single storey rear extensions hereby permitted shall match those used in the existing dwelling.
 - 3) Prior to occupation of the single storey rear extensions hereby permitted privacy screens shall be erected in accordance with the approved drawings and thereafter retained as such.

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 host dwelling is a chalet style property that fronts onto the northern side of Bell Farm Lane. It is situated within the countryside as defined in the Local Plan. Taken together and among other things, Policies CP 4, DM 11 and DM 14 of Bearing Fruits 2031: The Swale Borough Local Plan (LP) July 2017, intend that development should be of a high quality design, be appropriate to the context with regard to matters such as scale, mass and appearance, while taking account of previous extensions and in accord with adopted Supplementary Planning Guidance (SPG).
5. In the SPG, Designing an Extension, A Guide for Householders, it is stated that the Council will not normally approve an extension to a dwelling in a rural area if it results in an increase of more than 60% of the property's original floorspace.
6. The three existing dormer additions at Gilron, two of which are part of the appeal, are at the rear of the dwelling. These are fairly similar in their size, scale and flat roofed form. They are set below the ridge and have sufficient space around them so that they are reasonably subordinate to the host roof. Moreover, they give a sense of cohesion to the roofscape.
7. The proposed privacy screens at the back would have their top significantly below that of the roof above, while not extending beyond the end of the single storey additions. They would be fairly slender features only projecting rearwards and not across the elevation. The metal railings around two sides of the terrace on top of the existing rear addition would be even lower features and have a degree of transparency due to the gaps between the vertical rails, appreciably limiting their visual impact.
8. The proposed single storey rear extensions would be built to the sides of the rear addition and have the same depth and height. They would also be noticeably lower and shallower in depth than the main part of the host property. Due to the above factors, the development the subject of this appeal that has already occurred and that proposed would not add any significant additional bulk, scale or mass to the property.
9. There is significant development in Bell Farm Lane and in the vicinity of it in the form of other dwellings and caravan parks. The houses, which include two storey properties, vary noticeably in matters such as their scale, bulk, footprint and appearance. The enlarged dwelling would be compatible with this existing development and not appear intrusive or incongruous in this context. The intrinsic character of the countryside would not be harmed.
10. The Council indicates that previous enlargement of Gilron has resulted in an increase of 204% over the original floorspace and with that the subject of the appeal this would increase to 241%. However, the 204% increase arises from development that is said to either have planning permission or to be immune from enforcement action. The vast majority of the increase in floor area, as well as additional bulk, scale and mass has therefore already occurred in

relation to the original dwelling. Moreover, this would remain in place and not change regardless of the decision made on this appeal.

11. The increase in floor area that has occurred in itself substantially exceeds the guidance in the SPG. The increase in relation to this would, however, be relatively modest and the Council acknowledges that the proposed extensions and dormer additions would in themselves be limited in scale. Furthermore, this development would not extend the footprint of the property any further in any direction. The dwelling would therefore be no more sprawling or significantly bulkier than at present. In any event, neither the depth nor the length of the dwelling would be excessive or unduly out of keeping with the pattern of development in the locality.
12. Taking account of the previous extensions, the increases in floor area put forward by the Council in relation to the original dwelling would not therefore be a sound basis for rejecting the appeal. The increase in scale and bulk arising solely from the development the subject of this appeal would be relatively modest and not give rise to any adverse impact. For the above reasons, it is concluded that the character and appearance of the host dwelling and locality would not be harmed. In the above circumstances and given the lack of harm, the SPG should not be rigidly applied in this instance.
13. There would be compliance with the development plan policies referred to above apart from LP Policy DM 14 and then only with respect to the part concerning being in accord with adopted SPG. In these circumstances, I conclude that the extensions and alterations would nevertheless comply with the development plan as a whole.
14. Taking account of all other matters raised and given the absence of harm, it is determined that the appeal succeeds.
15. A condition concerning the standard time limit for starting development is not needed as part of the overall scheme has already been built. However, I shall impose one specifying the approved plans, which is necessary to provide certainty. A requirement for the screens proposed to the side of the rear terrace and balcony to be installed and kept is necessary to protect the privacy of the adjacent occupiers.

M Evans

INSPECTOR