



Appeal Decision

Site visit made on 7 February 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/A2280/W/22/3294831

Bell Farm House, Cooling Street, Cliffe, Rochester ME3 7UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Richard Dadson against Medway Council.
 - The application Ref MC/22/0100, is dated 14 January 2022.
 - The development proposed is the demolition of existing double garage and the erection of a replacement garage with attached tool store.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing double garage and the erection of a replacement garage with attached tool store at Bell Farm House, Cooling Street, Cliffe, Rochester ME3 7UB in accordance with the terms of the application, Ref MC/22/0100, dated 14 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 529/11, 529/12, 529/PL01 and 529/PL02.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on plan reference 529/PL02.

Preliminary Matters

2. The appeal form indicates that the appeal is made on the basis that the Council failed to give notice of its decision within the appropriate period. Although a decision notice (DN) has been provided by the Council, it is dated after the date that the appeal was made. The appeal is therefore progressed on the basis of the Council's failure to determine the application within the prescribed period of a decision on an application for planning permission.

Main Issue

3. Within its statement of case and DN the Council indicate that they would have refused the planning application. A putative reason for refusal has been provided which identifies the authority's concerns.
4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is within a countryside location. It comprises a substantial detached dwelling within a large garden. It is the last residential property within a row of dwellings that front on to Cooling Street in this area. The house within the appeal site is set back from Cooling Street by a comparatively large front garden area. A tall and thick roadside hedgerow along the site frontage interrupts views into the site from the street to the front.
6. The proposed garage and tool store building would be both taller, and have a larger footprint, than the modest single storey garage building it would replace. However, it would have substantially lower eaves and ridge heights than the host dwelling. It would also have a smaller footprint than the host dwelling and would be located to its rear. From the limited locations along Cooling Street that the proposed development would be visible, in terms of its siting, scale and height, it would be clearly subservient to the host dwelling.
7. The neighbouring Jems Barn and the large outbuilding close to it, are both taller than the proposed building. In common with the proposed development, they are located to the rear of the houses which front on to Cooling Street. Therefore, and whilst the proposed development may be discernible from other more distant public vantages, it would be read in the context of the taller buildings nearby. It would not therefore be visually prominent or out of keeping with other development within this countryside location.
8. The development would be of a different design and utilise some external materials which are not found on the host dwelling. However, the proposed use of plain clay roof tiles would provide a visual connection between the proposed building and the host dwelling. Furthermore, there is a wide variety in the external materials, designs and sizes of the buildings within the row of properties fronting Cooling Street; at Jems Barn; and at the large neighbouring outbuilding. The introduction of a building which has been designed to resemble 'a traditional Kent barn' would not therefore be harmful to the established character or appearance of the area.
9. The main parties agree that the appeal site is within the curtilage of Bell Farm House. Although it would be of a height and size similar to some dwelling houses, the appellant advises that the building is sought to house his private car collection, and that it is of a size suitable to enable the internal storage of 4 cars, as well as to store tools. Such use would be incidental to the residential use of Bell Farm House. Even if the appellant were to install a second storey within the building, the authorised use of the building would remain incidental to that of the host dwelling. If the appellant intended to use the proposed building for purposes which are not incidental to the dwelling, then a separate planning permission would be required to authorise an alternative use.
10. For the reasons given above, I conclude that the proposed development would not harm the character and appearance of the area. Accordingly, and in this respect, it would comply with the parts of policies BNE1 and BNE25 of the Medway Local Plan (2003), that require development to be appropriate in relation to the character and appearance of the area, and to maintain the character, amenity and functioning of the countryside. It would also comply with paragraphs 126 and 130 of the National Planning Policy Framework where they require development to be of a good design which is sympathetic to the local area.

Other matters

11. I have not been provided with sufficient detail regarding the development proposals subject of planning application reference MC/08/0858 to enable me to make comparisons between that scheme, which was withdrawn prior to its determination, and that which is subject of this appeal.
12. The proposed development would be sited close to the boundary of the site and adjacent to a garden area serving Jems Barn. Jems Barn has a good-sized garden area and the house is located away from the boundary closest to the appeal site. No cogent evidence has been presented from which to conclude that the proposal would cause unacceptable harm to the living conditions available to the occupiers of neighbouring properties in either their house or garden, with respect of daylight or sunlight. The proposed development, which would be constructed within the garden area of Bell Farm House, and which would replace an existing garage building, would be used for purposes incidental to the host dwelling, rather than for any commercial purposes. As such I am unable to conclude that it would result in a level of noise being generated which would cause unacceptable harm to the living conditions of occupiers of neighbouring properties.
13. During my site visit, I noted the presence of a number of tree stumps within the appeal site, adjacent to its boundary with Jems Barn. The Council have confirmed that the conifer trees indicated to be removed on the proposed plans, were not subject of a Tree Preservation Order. The felling of these trees was not therefore dependent on planning permission being granted. Nor is it determinative in this appeal.

Conditions

14. The Council have suggested 4 conditions. The wording of the conditions has been amended where appropriate. This is to improve precision and to meet the six tests outlined within paragraph 56 of the Framework.
15. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity, a plans condition is also imposed which identifies the plans to which this permission relates.
16. The walls of the host dwelling are mainly finished with painted brick and hanging tiles, and it has a plain clay tile roof. I have found that the proposed development which includes the use of clay roof tiles and feather edge weatherboarding stained black, would not harm the character and appearance of the area. Therefore, a condition which would require the external materials to match those on the main house is not necessary. Instead, a condition is imposed which requires the external materials used in the construction to conform to those shown on the approved plans.
17. A condition which would require that the building be used only for purposes incidental to the main dwelling house is not necessary. The garage and tool store building would be erected within the residential curtilage of Bell Farm House, and therefore planning permission would be required for any subsequent change of use.

Conclusion

18. For the reasons given above, and having regard to the development plan as a whole and any other relevant material considerations, I conclude that this appeal should be allowed, and planning permission granted.

V Simpson

INSPECTOR