



Appeal Decision

Site visit made on 22 March 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/V2255/W/22/3307761

Toft Wray, Lower Norton Lane, Teynham ME9 9LB

- 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 Leigh Gregory against the decision of Swale Borough Council.
 - The application ref. 22/503762/FULL, dated 1 August 2022, was refused by notice dated 20 September 2022.
 - The proposed development is for the construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies on the eastern side of Lower Norton Lane and relates to a detached bungalow with driveway and off-street parking. Although small amounts of development are scattered along the road, the predominant character of the area is rural open countryside.
4. The appellants state that the floor area of the original dwelling is 112m² and the proposed replacement dwelling would have a floor area of some 215m³. These figures are not disputed by the Council in its appeal statement, and I have therefore dealt with the appeal on this basis. I also note that in principle the replacement of the existing dwelling is accepted by the Council.
5. The existing dwelling is a modest bungalow that has a natural affinity within the landscape setting. Conversely, the appeal proposal would have a greater depth, width and height, which would contrast significantly with the more diminutive proportions of the existing property, and to my mind the use of a crown roof is indicative of deep plan form. The end result would be a building that would be significantly larger in volume, bulk and mass than that which presently exists on site, and nearly doubling the floor area. Although an increase in floor area is not expressly precluded by relevant local plan policies, I note that policy DM11 of Bearing Fruits: The Swale Borough Local Plan July 2017 (LP) states that the rebuilding of an existing dwelling in the rural area will be permitted only if, amongst other things, the proposed new dwelling is of a similar size and proportion, and an appropriate scale, mass and appearance in relation to the original dwelling and location.

6. Due to intervening landscaping and established tree belts, visibility of the appeal site from the A2 is limited. Views are principally along the driveway and from a distance, for example the row of dwellings in the direction of Lower Road and Deerton Street. In these views, the existing dwelling is relatively unobtrusive. In contrast, the greater length, depth and height of the appeal proposal and the more solid, rectangular form of the elevations would be of increased prominence across the open topography. Cumulatively the extent and bulk of the proposals would result in a harsh intrusion into the pleasant verdant locality. This would fail to reflect the character and appearance of the site or improve the setting.
7. I recognise that the appeal dwelling is not located in a designated landscape, the architectural detailing is acceptable, and the use of traditional external materials would not appear incongruous. Nevertheless, these matters do not outweigh the harm that I have outlined above. I also observed large dwellings on the opposite side of Lower Norton Lane, however the presence of other properties elsewhere in the vicinity does not justify the inordinate scale of the scheme before me.
8. The appellant also states that the appeal dwelling could be extended under the permitted development rights. It is contended that any such additions would be more harmful than the appeal scheme, and as such this represents a viable fallback position. However, I have not been presented with any detailed information in this respect; there is no certificate of lawful development for any such proposals and no guarantee that any potential scheme would be built were the appeal dismissed, and I therefore attribute this matter limited weight.
9. I therefore conclude that the proposal would result in harm to the character and appearance of the surrounding area. It would be contrary to Policies ST1, ST3, CP3, CP4, DM11, DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which collectively seek to secure new development of acceptable scale and appearance and to protect the intrinsic value and setting of the countryside. It would also be inconsistent with the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Conclusion

10. Having regard to the above and all other matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR