



Appeal Decision

Site visit made on 11 April 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2023

Appeal Ref: APP/U2235/D/22/3313817

Vine Cottage, Sutton Street, Bearsted, Maidstone ME14 4HP

- 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 R Ring against the decision of Maidstone Borough Council
 - The application Ref 22/502885/Full, dated 8 June 2022, was refused by notice dated 5 October 2022.
 - The development proposed is the demolition of an existing garage and outbuilding and construction of part single/part two storey rear and side extensions and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development on the character and appearance of the host property and surrounding area; and the effect on the living conditions of the occupiers of the adjoining residential property Pin Cottage

Reasons

Character and appearance

3. Vine Cottage comprises a semi-detached cottage located on the south east side of Sutton Street, close to its junction with Roundwell. It is a property of some charm and character with traditional materials of brick and tile hung elevations, dormers at the front in the roof space and a large cat slide roof at the rear, where the property is single storey only. The land rises steeply at the back where there are steps leading to an upper rear garden. There is a large flat roofed garage on the north eastern side of the building and set back behind the rear elevation. Pin Cottage adjoins the property on its south western side and is of similar design.
4. The site lies outside of a defined settlement boundary and is therefore in the countryside for planning policy purposes. The character of the road is semi rural in appearance with properties of differing designs and sizes set amongst mature hedgerows and trees.
5. The property has been the subject of a number of applications in recent years, of which the following are most pertinent to this appeal. In 2020 planning

- permission was refused and subsequently dismissed on appeal¹ (the 2020 appeal) for a single storey side and rear extension and two large dormers at the rear providing accommodation at first and second floor levels. In dismissing the appeal, the Inspector felt that whilst the side and rear extensions would be acceptable, the rear dormers would significantly alter the uniform appearance of the existing roofscape and would appear dominant and not a subservient addition. There was also concern that the rear dormers would have an overbearing appearance on the occupiers of Pin Cottage.
6. In 2021, a lawful development certificate was granted² for a proposed first floor rear dormer. This was followed by a later application for the grant of permission for a single storey rear and side extension and insertion of first floor rear dormer³ (the 2021 approval). Essentially, this was a consolidated approval for the side and rear extension which the Inspector found to be acceptable in the 2020 appeal, and the rear dormer approved as part of the lawful development certificate.
 7. The current proposal seeks to expand upon the approvals granted to date. The footprint of the single storey rear extension would be similar, but would be enlarged at the side to a width of approximately 2.5m where it would also accommodate a first floor gable element over, extending from just behind the existing chimney and rearwards for a depth of 3m. At the rear, there would be a large gable ended extension at first floor level, the gable extending the greater width of the current property. It would be set in from Pin Cottage by 1.1m and would be 5.6m wide with a ridge height of 7.4m. The proposal also includes excavations to the rear to accommodate a level patio area.
 8. The appellant points to the previous approvals which are regarded as a fallback position but argues that the extensions would be well designed, respecting the architectural features of the original building. It is also argued they would be consistent with guidance in the Council's Residential Extensions Supplementary Planning Document 2009 (SPD) in that they would be of modest proportions. In particular, the extensions would not overwhelm the host dwelling, would be well detailed and would use sympathetic materials.
 9. Clearly as the appellant points out, the 2021 approval represents a significant fallback position given that it can be implemented irrespective of this decision. In that respect, I find that the impact of the substantial single storey element of the extensions would be similar to the approved scheme. I also acknowledge that the approved rear flat roof dormer would significantly change the character of the rear of the building.
 10. However, the proposed rear gable element with its wide width occupying most of the rear elevation, together with its substantial height, would subsume the rear elevation to a greater extent and substantially alter the character of the existing cat slide roof, even though it would only extend marginally beyond the existing rear elevation. Although the appellant draws an analogy with guidance for an acceptable extension within the SPD, the cases are not comparable given the character and form of the appeal property with its cat slide roof, and in any event the SPD makes it clear that it is for guidance purposes only. Each case will therefore depend upon specific site circumstances.

¹ Appeal ref W/4001007

² Application ref 21/500808/LAWPRO

³ Application ref 21/502963/FULL

11. In addition to the rear gable element, the proposed first floor side extension, although well detailed and proportioned in isolation, would add to the overall bulk and massing of the combined extensions. In my view the combined impact of both would overwhelm the character and appearance of the existing cottage so that they would appear over dominant as opposed to being seen as subservient to the original form and character of the building.
12. From the road, the extensions would be partially concealed, but the north east elevation would be clearly seen where the impact of both the large rear gable element and the first floor side extension would be very evident and would clearly demonstrate the adverse change in character to the building. Although the appellant draws comparison with an extension to a nearby property at Aisleigh Cottage on Sutton Street, the designs of the two properties are very different and therefore with different design considerations.
13. Although the Council also considers there would also be an adverse impact on the openness of the countryside, I do not share that view, given the proximity of other surrounding houses and limited countryside views from Sutton Street.
14. Drawing the above together, I find that the combined impact of the first floor rear and first floor side elements of the extensions would be contrary to Policies DM1, DM30 and DM32 of the Maidstone Local Plan 2017 (LP) and the SDP in that amongst other criteria and guidance, it would not be designed to a high standard, would not be sympathetic in scale and design, would destroy the original form of the existing dwelling and would harm the surrounding area.

Living conditions

15. The Council accepts that there would be no loss of sunlight or daylight to the occupiers of Pin Cottage and I agree with that assessment. In terms of impact, the appellant points to the conservatory at the rear of Pin Cottage so that there would be no real loss of outlook because it is already compromised as a result of that structure, and that there would only be oblique views of the proposed first floor rear element.
16. In addition to the above, the situation has changed since the 2020 appeal, in that there is now an extant permission for the proposed rear dormer which would have some impact upon the occupiers of Pin Cottage. However, whilst the rear gable element would be inset from the rear common boundary, and would extend only marginally beyond the existing rear elevation, its substantial bulk would extend well beyond the slope of the cat slide roof and with a large roof, which would have a similar ridge height to the main ridge. In that respect it would clearly be apparent from the rear garden of Pin Cottage and would therefore have a substantially greater physical impact than the approved rear dormer. In my view this would amount to an overbearing impact and appearance which would harm the existing living conditions of the occupiers of Pin Cottage.
17. Although I note that no objections have been received from the occupiers of the Cottage, as my colleague observed in determining the 2020 appeal, the lack of such an objection does not provide justification for allowing an appeal which would be harmful to future occupiers of that property.
18. Having regard to the above, I find that the proposed first floor rear element of the proposed extensions would be contrary to Policies DM1, DM30 and DM32 of

the LP in that the design would have an adverse impact upon the amenities of neighbouring properties.

Other Matters

19. The site is in close proximity to several listed buildings, namely Roundwell House, The Old Cottage and Wright Cottage. I therefore have a duty to consider the effect of the development on their setting under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having considered that matter on site and noting the distance of the appeal property from those Listed Buildings, together with the impact of intervening vegetation, I am satisfied there would be no adverse impact on the setting of those buildings.
20. The Council raises no objections in respect of parking arrangements or impact on trees covered by a Tree Preservation Order towards the rear of the site, and I see no reason to take a different view.

Conclusions

21. For the reasons set out above and conflict with Development Plan policy and the SPD, there would be an adverse impact upon the character and appearance of the host building and surrounding area, and harm to the living conditions of the occupiers of Pin Cottage.
22. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR