



Appeal Decision

Site visit made on 18 July 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2ND August 2023

Appeal Ref: APP/V2255/D/23/3316739

Jalna, Warden Road, Eastchurch, ME12 4HG

- 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 Veselin Marev against the decision of Swale Borough Council.
 - The application Ref 22/504671/FUL, dated 26 September 2022, was refused by notice dated 1 December 2022.
 - The development proposed is demolition of existing carport and conservatory and erection of a single storey rear extension with roof terrace above, two storey front extension, raising of the roof and insertion of front and rear dormer windows to provide additional first floor accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the development as "Proposed new front and rear two storey extension with new increased roof with loft conversion". This was changed by the council in the officer's report and used on the decision notice, and on the appeal form, to the description I have used in the heading above. I have adopted it since it more clearly describes the development proposed.

Main Issues

3. The main issues in this case are: i) the effect of the proposed development on the existing dwelling and the rural character and appearance of the area; ii) whether the additional residential accommodation, within a Coastal Change Management Area, particularly in the absence of a Coastal Erosion Vulnerability Study, would result in development with an increased risk to property or life through its planned lifetime.

Reasons

4. The appeal property consists of a detached dormer bungalow, set back from Warden Road. There is a private garden to the rear with driveway and landscaped garden to the front. There is sporadic residential development in the vicinity, including a bungalow to the east of the site, and one opposite. To the west of the site lies open land. To the east and north, the site is in close proximity to the coast. The wider area has a number of caravan parks, with the small settlement of Eastchurch being some 2.5 miles by road to the west.

The effect of the proposed development on the existing dwelling and the rural character and appearance of the area

5. As paragraph 2 of the National Planning Policy Framework (the Framework) points out, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise [s70(2) of the Town and Country Planning Act 1990, and s38(6) of the Planning and Compulsory Purchase Act 2004].
6. The starting point is therefore the policies of the development plan, which in this case is the Swale Borough Local Plan 2017. The site lies outside of any built-up area boundary and is therefore in designated countryside. The refusal reason relating to this issue refers to policies CP4, DM11, DM14 and DM16, and to the Council's adopted Supplementary Planning Guidance (SPG), titled "Designing an Extension - A Guide for Householders". The policy status of this SPG follows from criterion 3 of policy DM14 which requires development to accord with adopted SPG.
7. Policy CP4 requires high quality of design, in keeping with the character of the area. Policy DM11 states that the Council will permit extensions (taking into account any previous additions untaken) to existing dwellings in the rural area where they are of an appropriate scale, mass and appearance in relation to the location. Policy DM16 supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness. Paragraph 3.3 of the SPG states 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".
8. The council officer's report states that the proposal would bring an increase of overall floorspace of 70.5%, which clearly exceeds the policy limit. I note that there is no suggestion from the council that the proposal would have any effect on the living conditions neighbouring residential occupiers or the separation between properties. The issue simply revolves around the scale of the development and the effect on the appearance of the existing bungalow and on the character and appearance of the area. For the appellant it is said that the resulting enlarged dwelling in its design would be consistent and appropriate with the established built environment of the locality.
9. The existing dwelling has a low ridge height with a single dormer in the centre of the hipped roof. The proposed development involves a much higher ridge line with hipped gables to each side elevation. A major feature would be a central forward projecting 2 storey gabled element, alongside which would be gabled dormers on either side. Because of the steep pitch of the new roof, it and the gabled projection would be the dominant features of the extended dwelling. It would be a building of a completely different character to the existing bungalow and its neighbour, and there is nothing in the immediate area of similar scale and appearance.
10. The SPG uses the word 'normally' in reference to the approach to approving extensions of dwellings in a rural area, implying that there will be cases that attract a different outcome. However, the proposed extensions would significantly increase the height and bulk of the roof with the ridge height increasing by 2.8m and creating a steep sloping roof of a half-hip form. The

two-storey front gable and dormers add further visual bulk and scale, and the rear extension adds cumulatively to the size of the resultant dwelling.

11. I conclude that the proposed extensions, and the resulting much enlarged dwelling, would be contrary to the policies and the SPG referred to above. The effect of the proposed development, because of the scale of the proposal and its much changed appearance, not reflecting the scale and massing of the existing dwelling, would be harmful to the rural character and appearance of the area.

Whether the additional residential accommodation, within a Coastal Change Management Area, particularly in the absence of a Coastal Erosion Vulnerability Study, would result in development with an increased risk to property or life through its planned lifetime.

12. The appeal site lies within a Coastal Change Management Area and within Erosion Zone 1. This part of the Isle of Sheppey is subject to coastal erosion and landslip and Erosion Zone 1 identifies land at more immediate risk (within an indicative 50-year period) of erosion. I set out here the relevant parts of Policy DM23 of the Local Plan:
"Policy DM23 - Coastal change Management
Within the Coastal Change Management Area (CCMA), as defined on the Proposals Map, planning permission will be granted for development proposals subject to:
1. It being demonstrated that the proposal will not result in an increased risk to life, nor a significant increase in risk to property;
2, and 3, and 4 – not relevant here
5. Proposals within Erosion Zones 1 and 2, submitting a Coastal Erosion Vulnerability Assessment showing the development will be safe throughout its planned lifetime and will not increase risk to life or property elsewhere without the need for new or improved coastal defences; and" [6 and 7 not relevant here].
13. For development to benefit from the grant of planning permission, as set out in the initial clause of the policy, a Coastal Erosion Vulnerability Assessment is required to be submitted with all applications within Erosion Zones 1 and 2. This must demonstrate that the proposal will not result in an increased risk to life, nor a significant increase in risk to property. A Coastal Erosion Vulnerability Assessment was not submitted with the appeal application, which breaches the policy and therefore there is no evidence that the development would not increase risk to life and property.
14. For the appellant, the importance of this issue, and its relevance to the appeal proposal, is fully acknowledged, and it is noted that the council's concern relates specifically to an absence of an assessment. To counter the absence of an assessment, the appellant would agree to a pre-commencement condition requiring the preparation of a Coastal Erosion Vulnerability Assessment. This would be an acceptable condition since it is considered necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable.
15. The appeal building is set high above, but in close proximity to the shoreline below. I have no information before me, but it may well be that a professionally completed Coastal Erosion Vulnerability Assessment would fail to

meet the very proper concerns that lay behind this policy. I recognise that a pre-condition, if not discharged satisfactorily, would ensure that a development could not be implemented. Nevertheless, since I have found that the proposal is unsatisfactory in relation to the first issue, and that the proposed development would be in breach of policy DM23, a pre-condition is not something that I need consider further.

Overall conclusions

16. I have taken account of all the other matters raised, including the paragraphs of generalised guidance in the National Planning Policy Framework that are referred to, and those in section 5 of the appeal statement relating to the conduct of the council in dealing with the application. However, for the reasons that I have set out above, I find that the proposed extensions would result in a much enlarged dwelling, contrary to the policies and the SPG referred to. The effect of the proposed development, because of the scale and its much-changed appearance, would not reflect the scale and massing of the existing dwelling and it would be harmful to the rural character and appearance of the area. In addition, the lack of a Coastal Erosion Vulnerability Assessment is a breach of policy DM23. I will therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR