



Appeal Decision

Site visit made on 17 October 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023.

Appeal Ref: APP/V2255/D/23/3318231

Sunnybank Cottage, Deerton Street, Teynham, ME9 9LJ

- 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 Alex Cooke against the decision of Swale Borough Council.
 - The application Ref 22/505025/FULL, dated 17 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is the erection of two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension and single storey rear extension at Sunnybank Cottage, Deerton Street, Teynham, ME9 9LJ in accordance with the terms of the application, Ref 22/505025/FULL, dated 17 October 2022, and the plans submitted with it, 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 materials used on the external surfaces of the development hereby permitted shall be those specified on the application form.
 - 3) Prior to the occupation of the development hereby approved, additional parking space shall be provided in accordance with details that shall have been submitted to and approved by the local planning authority in writing. Thereafter the parking space shall be retained and kept available for that use.

Preliminary matters

2. The application form described the proposed development as "a single storey extension 2.9m from the rear of the dwelling and a two storey side extension 3.8m to the side of the dwelling". The council changed this to the description used in the heading above. I have adopted it as it more clearly identifies the development proposed.

Main Issues

3. The main issues in this case are: i) the effect of the proposed development on the appeal property, its immediate surroundings and the rural character and appearance of the area; ii) effect of the proposal on highway safety and convenience, bearing in mind the size of the proposed parking spaces.

Reasons

The effect of the proposed development on the appeal property, its immediate surroundings and the rural character and appearance of the area

4. Sunnybank Cottage is a two storey semi-detached property located on a rural lane in the designated countryside. A 2-storey extension at the rear has previously been added. There is a large amenity area to the side and rear. Originally would it have been part of an identical pair with its attached neighbour. The attached cottage has also been quite extensively extended to the side, and to the rear to the same depth as now proposed on the appeal cottage.
5. Starting with the development plan, since the property lies within the countryside, policy DM11 of The Swale Borough Local Plan 2017 is of relevance. Under this policy, 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 is also relevant, supporting 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. At the same time, Policy CP4 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.
6. In more detail the council's Supplementary Planning Guidance (SPG) 'Designing an Extension - A Guide for householders' states: *"The Council will not normally approve an extension to a dwelling in a rural area if it results in an increase in floor areas more than 60% of the property's original floorspace"*.
7. The officer's report indicates that the proposed extensions would incorporate a floor space of approximately 72m². This results in a floorspace increase of some 91% of the existing dwelling and approximately a 190% increase on the original property without the 2-storey extension. The officer notes that the adjoining property, Primrose Cottage, has been extended, with additions which are clearly viewable from public vantage points. However, in the officer's opinion the way in which these extensions have been designed and laid out still allows, especially from Deerton Street itself, an appreciation of the original pair of cottages on this site. Although that development would also appear to be over the 60% increase, as set out in the SPG, the officer is of the view that it is more subservient to the dwelling in terms of its layout within the site compared to this proposal.
8. Deerton Street is a narrow lane that, from the south, has just emerged through a bridge carrying the railway line on embankment. The views of the appeal property are strictly limited, certainly much more so than those of the adjoining Primrose Cottage. That cottage has pitched-roof extensions at the side, set back from the front wall, including a 2-storey element. These extensions, which appear to be recent, have been carried out in materials that do not match the finish on the original pair, but clearly identify as being subservient to the original.
9. The existing 2-storey rear addition on the appeal property is a little less evident than those on the neighbour just mentioned, but also built in non-matching

- materials, with a flat roof that does not enhance the appearance and character of the cottage. The proposed pitched-roof 2-storey side extension would be set back from the frontage, would have a lower ridge line, and would be finished in horizontal cladding boards to the first-floor and red buff bricks to the ground floor, whilst the clay tiles would match the existing roof covering. I consider that this would produce a subservient structure that would, like those on the neighbour, be clearly distinguishable from the original. This element would only extend along the side of the original flank wall of the cottage, but would effectively hide the existing unfortunate flat-roofed rear extension.
10. The proposed single-storey addition would wrap around the side and rear of this existing rear extension. It would project no further rearwards than the existing extension at the back of Primrose Cottage. From any public vantage point, which is only on Deerton Street, it would not be seen.
 11. In terms of appearance, I consider that the totality of the proposals is acceptable, and complies with Policy CP4 and, bearing in mind that Policies DM11 and DM16 require judgements that relate to appropriateness, rather than being precise criteria, there is little conflict with these 2 policies.
 12. In addition to the above, Deerton Street is a 'Rural lane, coming under Policy DM26, which includes the requirement for development proposals on rural lanes to have "*particular regard to their landscape, amenity, biodiversity and historic or archaeological importance*'. Policy DM26 is not referred to in the refusal reasons because the planning officer's report includes the conclusion that "*Although the application site is located along a rural lane, I do not believe that the proposal would, within the curtilage of a residential unit give rise to any significant harm to the character of the rural lane itself.*" I consider that to be a fair and appropriate assessment, with which I agree.
 13. Finally, in respect of this issue, I must address the point at its heart: the scale of the proposed extension works and the percentage of additional floorspace increase, which arises from the SPG. The SPG stems from Policy DM16, the explanatory text of which refers to it as a material consideration. Paragraph 3.3 of the SPG states: "*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*".
 14. The officer, rightly I consider, judges the existing 2 storey rear projection as an extension to the original dwelling. As I have noted in paragraph 6 above, the officer calculates that the appeal proposal would bring the total increase to approximately 190%, well in excess of the percentage recommended in the SPG. It is necessary to take into account, as the officer does, the fact that Primrose Cottage has been extended to an extent that also exceeds the guidance percentage, with extensions that are clearly visible from public vantage points.
 15. I have already indicated, in paragraph 9 above, that the proposed pitched roof two story extension would be seen as a subservient structure, due to its setback and lower ridge, and it would effectively hide the existing 2-storey extension and the ground-floor wrap around extension. Thus, in terms of views from the public domain, it is the proposed 2-storey extension that would have an effect on the appearance of the appeal property, its immediate surroundings and the rural character and appearance of the area. Furthermore, the 2-storey

enlargement would allow an appreciation of the original pair of cottages at this site.

16. Clearly the proposal, taken as a whole, breaches the guidance in the SPG by a wide margin. Paragraph 3.3 of the SPG includes the word 'normally', which is a proper approach in guidance of this sort. It does not carry the weight of policy: in this case I consider that the breach of 60% guidance does not warrant the refusal of planning permission.

The effect of the proposal on highway safety and convenience, bearing in mind the size of the proposed parking spaces

17. The appeal proposal would increase the number of bedrooms in the property from 2 to 4. In accordance with the Parking Standards Supplementary Planning Document (SPD), three parking spaces should be provided for a dwelling of this scale in the countryside. This is a location well away from services and facilities, so that 3 parking spaces is a reasonable number to plan for. The Proposed Site Plan No.3972-10 gives the only indication of the parking provision, with an area marked as 'Driveway' and 'Parking'. This appears to record the situation as I saw it at my site visit. Using the dimensions of the existing driveway/parking area, the officer calculates a minimum length of parking area needed is 16m, whereas the existing space is 13.6m, measured from the plan.
18. For the appellant it is accepted that these standards should apply, and that the plans are lacking in detail. However, it is pointed out that there is plenty of space beyond the 'field gate', as I was able to see. The appellant's appeal statement mentions that an additional plan has been submitted as part of the appeal indicating parking areas. However, such a plan is not included within the appeal documentation in front of me. Nevertheless, I consider that the area that I saw beyond the 'field gate' could be utilised for additional parking space, without affecting the amenities of the occupants of the dwelling. Therefore I consider that I could deal with this matter by way of a condition on a planning permission.

Conclusions

19. For the reasons that I have given above, I will allow the appeal.

Conditions

20. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. The suggested conditions are i) the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, and ii) the development shall be carried out in accordance with the approved plans.
21. The wording of the first of these conditions is inappropriate because the materials proposed and considered by the council at application stage do not match those of the existing building, other than the roof tiles. Therefore I will impose a condition requiring that the materials shall be those specified on the application form. I can deal with the second condition within the description of the development permitted. The first condition, as I have amended it, is required to ensure a visually satisfactory appearance, and the requirement that the development be in accordance with the plans is for certainty and avoidance

of doubt as to the development permitted. In addition, as I have mentioned in paragraph 18 above in respect of parking, a condition is required to ensure adequate parking space is available. This is required for highway safety and convenience.

Terrence Kemmann-Lane

INSPECTOR