



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/23/3324255

2 Cherry Drive, Luddenham, Faversham, ME13 0TG

- 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 and Mrs D Martin against the decision of Swale Borough Council.
 - The application Ref 23/500709/FULL, dated 9 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is demolition of the existing rear conservatory and the erection of a two storey rear extension and a single storey side extension and changes to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing rear conservatory and the erection of a two storey rear extension and a single storey side extension and changes to fenestration at 2 Cherry Drive, Luddenham, Faversham, ME13 0TG in accordance with the terms of the application, Ref 23/500709/FULL, dated 9 February 2023, 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 external materials used in the development hereby permitted shall match those used in the existing dwelling.

Preliminary matters

2. The application form described the proposed development as "Demolition of the existing rear conservatory and the erection of a two storey rear extension and a single storey side extension". The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed development on the appeal property, its immediate surroundings and the rural character and appearance of the area.

Reasons

4. The appeal site is a semi-detached two storey property with several outbuildings within a triangular shaped plot. The rear garden backs onto open

fields. The property is set back from the highway and the frontage is formed of a garden area and driveway. The application site lies outside any built up area boundary and is therefore within the countryside. It has been previously extended under planning permission SW/91/0693.

5. Policy DM11 of the Swale Borough Local Plan 2017 is the key policy in this appeal. It states "*The Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in the rural area where they are of an appropriate scale, mass and appearance in relation to the location*". The explanatory text to this policy makes reference to the document 'Designing an Extension – A guide for Householders', which has the status of Supplementary Planning Guidance (SPG), and is therefore a material consideration. At paragraph 3.3 of this SPG it 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.*"
6. The officer's report indicates that, taken together with the previous addition, this proposal would result in the floorspace of the property being increased by 79% in comparison to the original dwelling, which is clearly somewhat greater than the guidance normally allows for.
7. I could see at my site visit, the pair of dwellings of which the appeal property is the northern, have both been extended to the side. Due to the fact that they have been similarly extended, they maintain a reasonably symmetrical appearance, although the extension on the neighbour appears to be a little wider, on the assumption that the chimney stack was originally on the centre line.
8. The proposed single storey side extension is set well back from the front elevation, under a hipped roof, with brick work and plain tiles to match the existing. This is the only part of the proposal that would be seen from a public viewpoint. It is subservient to the existing house, and would not upset the symmetry of the semi-detached pair. This part of the proposal is acceptable when viewed against the council's policies.
9. The 2-storey rear extension would extend the existing rear gabled wing that projects towards farmland. I estimate that the nearest point that the rear extension would be seen from a public view to be about half a mile away. Although the additional floorspace would exceed the 60% in the guidance, the particular circumstances of this case lead me to conclude that it is not appropriate to base the calculation on the original dwelling.
10. This is because this is not a case where a side extension has previously been added, in a way that is not sympathetic to the original and is then proposed to be added to, so that the combined effect would be detrimental to the host dwelling and its surrounding. In this case, as I have noted above, the pair of cottages have both had 2-storey side extensions, with the result that they have a near symmetrical appearance. The side extension on the appeal dwelling is the one mentioned in the officer's report and, it would seem, has been part of the dwelling for 30 years or so. It is only on close examination, if one is minded to look that closely, that the extensions to both houses are apparent, as they give the impression as having originally been built in the current form.
11. The pair now have an appearance that is very much complementary to the rural situation, and their presence and appearance is beneficial to the character

and appearance of this part of the countryside. The explanatory text to Policy D11 makes clear that the Council is concerned that large extensions or replacement dwellings can harm the character of the rural area. For these reasons, and where planning permission is required, Policy DM 11 seeks to control the extensions to, and replacement of, dwellings in the rural areas. In this case, the extensions would not be harmful to the character that the policy, and in turn the SPG, seeks to protect.

12. If the guidance of the SPG is approached on the basis that the existing dwelling is that which is currently present, I am satisfied that the proposed extensions would not exceed the 60% additional floorspace normal limit, although I have not thought it practical or necessary to do the precise calculations. Be that as it may, the visible part of the proposal, the small side extension, would successfully integrate with the existing dwelling as a subservient addition. The rear extension, bearing in mind that the proposed materials are to match the existing, and if done as well as the earlier extension, would not look out of place, and would probably not be seen from any public viewpoint.
13. I conclude that the appeal proposals represent good design, are appropriate in mass, scale and appearance to the location and would sit comfortably with the appeal property and its neighbour, its immediate surroundings and the rural character and appearance of the area. Therefore the requirements of policies CP4, DM11, DM14 and DM16 of the adopted Swale Borough Local Plan would effectively be met.
14. I will therefore allow the appeal.

Conditions

15. 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. These relate to controlling the external materials to be used and that the development is built in accordance with the approved plans. I will incorporate these into the permission I give. These conditions are required for certainty and avoidance of doubt as to the development permitted and to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner.

Terrence Kemmann-Lane

INSPECTOR