



# Appeal Decision

Site visit made on 22 January 2024

**by Robin Buchanan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 January 2024**

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**Appeal Ref: APP/J2210/D/23/3326715**

**Rosebank, 3 Star Meadow, The Street, Bossingham, Kent CT4 6DY**

- 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 Mark Rosen against the decision of Canterbury City Council.
  - The application Ref CA/23/00862, dated 9 May 2023, was refused by notice dated 6 July 2023.
  - The development proposed is first floor extension to existing bungalow.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant's architect submitted an 'appeal claim for costs' comprising a 'costs statement' setting out his professional fees to deal with the appeal. There is no entitlement to these fees simply because the appeal was lodged; the parties in appeals usually meet their own costs. The architect was provided with a form<sup>1</sup> and had an opportunity to explain whether the appellant considered the Council had been unreasonable and caused unnecessary or wasted expense in the appeal. No further submission was received in this regard so there is no justified costs application to be determined.

## Main Issue

3. The main issue in this appeal is the effect of the scale, form and design of the proposed first floor extension on the character or appearance of the Bossingham (Upper Hardres) Conservation Area (the CA).

## Reasons

4. Bossingham consists of mainly residential frontages along a few intersecting roads in the CA. The significance of the CA also includes two-storey houses at each end of The Street and single-storey bungalows either side of the main central section of this road, such as Rosebank. It is in a row of now four similar circa mid-20<sup>th</sup> century bungalows closely spaced in the same building line, each with a simple narrow main front elevation and low-pitched gabled roof end on to the road, three still with infill tile hanging. Their largely intact original configuration and regimented siting, interspersed with front garden or roadside planting, gives a distinct rhythm and vista to this low key development in the streetscene. Rosebank therefore makes a significant positive individual and collective contribution to the character and appearance of the CA.

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<sup>1</sup> The Planning Inspectorate 'Application for an award of appeal costs' template

5. The external envelope of the four main elevations of Rosebank would rise by about half the height of a conventional first floor with living accommodation contained partly in a higher roof level. A narrow end elevation would still face the road with the same set back and roof pitch but be significantly taller. While the front and rear roof form would change from gabled to half hipped with a shorter main ridge line, this would not alleviate the overwhelming effect of the much higher eaves level adding substantial bulk to the upper part of the building. It would also result in a notably different shape to the roof and the building overall. While one of the four bungalows has chevron boarding instead of tile hanging, the proposed cedar cladding would stretch across most of the first floor at the front at a more conspicuous elevated level.
6. The proposal would not, therefore, respect important features of Rosebank but fundamentally alter it beyond recognition as a modest bungalow, akin to a one and a half storey house. Its more imposing visual and spatial presence on the site would appear quite different to how Rosebank is experienced now in public views from in the CA. This would also render it manifestly out of keeping with the three other bungalows in this row and the broadly uniform low level of bungalows on the opposite side of The Street, so jar in the streetscene. Re-using some materials and matching fenestration to that which exists now would not overcome these adverse impacts.
7. A previously similar bungalow in the CA two plots from Rosebank has been extended in essentially the same way as is proposed in this appeal, with permission granted by the Council<sup>2</sup>. But it is at one end of the original row of five bungalows, next to the much larger two-storey Hop Pocket public house. This more proportionate transition in height and bulk on one side reduces its visual presence. In contrast, Rosebank is within the remaining row of four bungalows. The more abrupt transition both sides of it would result in an unsympathetic protrusion in the sequence of these four bungalows so undermine and erode the visual integrity of this row of buildings.
8. I therefore find that the scale, form and design of the proposed first floor extension would have a harmful, negative effect on this part of the CA and adversely affect and undermine the significance of the CA overall, so fail to preserve or enhance the character or appearance of the CA<sup>3</sup>. Consequently, the proposal is contrary to Policies DBE3, DBE6, HE1 and HE6 of the Canterbury District Local Plan 2017. These policies include that extensions and alterations in a conservation area should be compatible with an original building in design, size, scale, bulk, mass and height and not detrimental to the character of the locality and streetscape. It should conserve the significance of heritage assets, including local distinctiveness and sense of place with respect to individual or groups of buildings, street patterns and impact on townscape and roofscape.

## **Other Matters**

9. Bossingham is in a National Landscape<sup>4</sup>. The linear arrangement of this scattered settlement along a ridge in a mainly agricultural setting in this area of high landscape value is locally distinctive<sup>5</sup>. The resulting building would have

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<sup>2</sup> CA/10/02133

<sup>3</sup> Section 72(1) - Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

<sup>4</sup> With effect from 22 November 2023 - in this case, formerly known as the Kent Downs Area of Outstanding Natural Beauty

<sup>5</sup> Kent Downs AONB Landscape Character Assessment, Revised 2023 (part of the Kent Down AONB Management Plan) - East Kent (Chalk) Downs landscape character area/type

no significant visual or spatial interaction with the wider open countryside beyond the built-up extent of the settlement, so have no adverse effect on the landscape and scenic beauty of this part of this National Landscape, so would conserve the natural beauty of the National Landscape.

### **Planning and Heritage Balance**

10. The new and reconfigured living accommodation at Rosebank would meet the personal preferences of the appellant while in occupation. Moreover, once altered and extended in the manner proposed, the influence of Rosebank on the CA would be permanently lost. The planning system operates in the wider public interest so these private benefits have little weight in this appeal. Increasing the living accommodation would be aligned with objectives of the National Planning Policy Framework (Framework) to meet peoples living needs, including families. But there is no evidence of an objective identified need in this case for a 4-bedroom dwelling and one such dwelling would anyway make a limited contribution in this regard, so this public benefit has little weight.
11. The proposal would be limited in the context of the CA as a whole but have an unacceptable impact on features in this part of it that contribute to its significance, so the overall harm to the CA would be less than substantial.
12. The Framework seeks to conserve the historic environment and achieve well designed places. It sets out that designated heritage assets, such as the CA, are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. As such, great weight should be given to the conservation of the CA irrespective of the level of harm. Any harm to, or loss of, its significance should require clear and convincing justification. It also aims to ensure development is sympathetic to local character and history of the built environment to maintain a strong sense of distinctive places to live and visit; a matter of additional significant weight.
13. The proposal would undermine the Council's relevant development plan objectives in these respects, which are broadly consistent with these aspects of the Framework. The public benefits do not therefore outweigh the harm.

### **Conclusion**

14. The proposal does not accord with the development plan and conflicts with provisions of the Framework. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan<sup>6</sup>. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not succeed.

*Robin Buchanan*

INSPECTOR

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<sup>6</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12