



Appeal Decision

Site visit made on 21 March 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/V2255/D/23/3333160

Eastfields, Old House Lane, Hartlip, Kent, ME9 7SP

- 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 Kevin and Claire Fisher against the decision of Swale Borough Council.
 - The application Ref. 23/503208/FULL, dated 10 July 2023, was refused by notice dated 19 October 2023.
 - The development proposed is erection of single storey side garage extension, single storey rear extension, front porch, conversion of garage into annexe with side extension, internal and external alterations including log burner flues.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was modified prior to its determination, and as such I have used the description of development on the decision notice, rather than that given on the original planning application form.
3. Since the appeal was lodged a revised version of the National Planning Policy Framework has been published. However, as the policies of relevance to this proposal have not changed fundamentally it has not been necessary to seek further comments from the parties.

Main Issues

4. The main issues are (1) the effect of the proposal on the character and appearance of the appeal property and wider countryside; and (2) the need for the proposed development, including the provision of accessible annexe accommodation.

Reasons

Character and Appearance

5. The appeal property is a detached dwelling located on a large site on the outskirts of the more built-up area of Hartlip, which is set within a locally-designated Area of High Landscape Value (Kent Level) [AHLV]. The appeal site has a rural context, with the development on the southern side of Old House Lane being more sporadic, of dwellings located on large plots. This pattern

appears quite distinct from the northern side of the road, which comprises close-knit housing on smaller plots.

6. The parties agree that the dwelling has previously been extended with a side garage, two-storey side extension and a conservatory. Planning permission exists for a detached car parking barn, but this has not yet been constructed. The existing two-storey extension is an annexe, but does not give accessible accommodation, being over two-floors served by a spiral staircase, and accessed from a set of front steps and small porch.
7. Policy DM 11 of 'Bearing Fruits 2031: the Swale Borough Local Plan 2017' (LP) permits extensions to dwellings in the rural area if they are of an appropriate scale, mass and appearance in relation to the location, but specifies that account will also be taken of any previous additions undertaken. This is reinforced by the supplementary planning guidance, 'Designing an Extension: A Guide for Householders', which advises that in rural areas, the Council will not normally approve an extension if it results in an increase of more than 60% of the property's original floorspace.
8. Whilst a mathematical assessment is a useful starting point, it is also important to assess the proposal in terms of its effect on the building and location. The appeal property is highly visible in the street scene, being set back from the road in a slightly elevated position. There is limited natural screening, with low roadside planting; the appellants refer to the planting of laurel hedging around the perimeter, but this will take some time to offer any screening effect. The building is oriented such that its eastern side elevation is visible in the street scene, and the position and height of the existing fencing would not fully mask development to this side of the dwelling. A public right of way runs alongside the length of the western boundary of the site, providing clear public views of the rear of the property.
9. The proposed extensions to enable the conversion of the existing garage to an annexe would add to the building mass at this point, but the replacement pitched roof would be an enhancement compared to the mixed roof form of the existing garage, and the adjacent sheds.
10. The proposed porch and canopy would be reasonably large, but linked with the new roof to the garage conversion, would complement the design and appearance of the host house. The removal of the existing annexe porch and front door would give the property one focal entrance point, and would enhance its appearance. These aspects of the proposal would offer a qualitative improvement to the dwelling and area, as suggested by the appellants.
11. However, I do not reach the same view with regard to the proposed rear and eastern side extensions. Considered together, the replacement of the conservatory with a much larger structure, and the further side and rear extensions would appear overly dominant on the dwelling. The rear and side elevations would become a complex mix of projections and roof forms that would detract from the simpler design and form of the host dwelling. Rather than appearing subservient, the single-storey additions would subsume the main two-storey part of the dwelling, and I share the Council's view that this would result in a 'sprawling' layout. I accept that previous extensions to the property are not recent, but they are nevertheless in place and must be taken into account in assessing the scheme against LP Policy DM 11 and the SPG.

12. The increased size and visual impact of the building would be apparent from outside of the site due to the siting and orientation of the building and the location of the public footpath. I do not consider that the proposed extensions would be so distant from public views that they would have no material impact on the setting. Whilst I appreciate that the proposals would be contained within an existing garden, the resultant dwelling would nevertheless have an increased visual impact on the AHLV, designated as a landscape considered to be scenically important in a county-wide context, and which LP Policy DM 24 seeks to conserve and enhance.
13. The scale of the extended dwelling would be similar to some others in the vicinity, and proportionate to the generous plot, but there are also examples of smaller dwellings on large sites. However, the relationship to neighbouring properties is only one aspect to be considered in assessing the impact of a proposal, having regard to the requirement in LP Policy DM 11 and the SPG to take account of previous extensions to the host dwelling.
14. The appellants advise that the area of the proposed extensions would be less than could be constructed as Permitted Development (PD), subject to the Prior Approval procedure¹ (PA). The Council disputes that there is any potential PD 'fallback'. In my view, there can be no real prospect of a development being built if it requires a PA application which has not been made. I cannot assume the outcome of such an application; neighbouring occupants and their views can change, and those who did not object to the appeal proposal may have different views on an 8m deep extension. As such, it has not been demonstrated that there is a legitimate fallback of equivalent or greater impact on the dwelling and area than the appeal scheme.
15. I note the appellants view that the overall site and location warrant a house suitable for a multi-generation family. However, it is not evident that this can only be achieved by the scale and form of extensions proposed in this appeal. As noted above, I find no objection in principle to the conversion and extension of the existing garage to secure more accessible accommodation, and this would allow the reconfiguration of the existing annexe space to improve the space and layout of the main house.
16. Attention has been drawn to a number of planning permissions for large extensions granted in the area, but limited details have been provided of the developments, the permissions granted, and the reasoning behind the decisions taken. Similarly, although the appellants have identified a number of large properties in the area, it is not known if their size is the result of extensions or if the 'starting points' were larger than the appeal building. In the absence of fuller information to gauge a comparison with the appeal scheme, these examples offer little support to the proposal.
17. I therefore conclude that the proposed rear and eastern side extensions would detract from the character and appearance of the appeal property and wider countryside, contrary to the overarching design requirements of LP Policies CP 4 and DM 14, as supported by the SPG, and the specific criteria for rural extensions set out in LP Policy DM 11. It would not conserve and enhance the landscape as required by LP Policy DM 24.

¹ Pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

18. Although I have found the conversion and extension of the existing garage and front porch to be acceptable, I am unable to issue a split decision as the works are not physically and functionally independent of, and clearly severable from, the remainder of the appeal proposal.

Accessibility and Need

19. The appellants have advised that an accessible ground floor annexe is required to accommodate family members. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, in so far as protected characteristics are relevant to part of the development applied for, and this weighs in favour of the proposal.
20. I have found no objection in principle to the extension works to facilitate conversion of the garage to create such an annexe, nor the proposed front porch to improve accessibility to the main house. Consideration was given to issuing a split decision, but for the reasons outlined above it is not possible. The extensions and alterations to create a more accessible annexe and entrance to the house are only part of the appeal proposal, and it is not evident that the other extensions proposed are required to facilitate this need. Whilst dismissal of the appeal would not provide an accessible annexe at the site, having balanced the need for the development and the adverse impact of the wider development on the character and appearance of the dwelling and the area, the personal circumstances of the appellants' family would not outweigh the identified harm.
21. The appellants advise that the proposed porch size and design has partly been guided by the position of utility meters, and to provide head height for the replacement of a substandard staircase at the property. As noted above, I have found no objection in principle to the proposed porch, but any benefit in replacing the existing staircase would not outweigh the harm of the wider package of extensions.

Other Matter

22. The appeal scheme was the result of negotiations with the Council, and I note the appellants comments about these discussions and the processing of the application. However, such matters cannot be explored in a Section 78 planning appeal, and I have considered the appeal on its planning merits.

Conclusion

23. For the above reasons, I conclude that it is proportionate and necessary to dismiss the appeal.

H Lock

INSPECTOR