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## Appeal Decision

Site visit made on 16 April 2024

by **Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01.05.2024

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**Appeal Ref: APP/L2250/D/23/3335717**

**La Toppa, Shear Way, Burmarsh, Romney Marsh, TN29 0JJ**

- 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 Mrs Doreen Carmichael against the decision of Folkestone & Hythe District Council.
  - The application Ref 23/1519/FH, dated 27 September 2023, was refused by notice dated 6 December 2023.
  - The development proposed is for the erection of a one bedroom attached annexe.
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### Decision

1. The appeal is allowed and planning permission is granted for a one bedroom attached annexe at La Toppa, Shear Way, Burmarsh, Romney Marsh, TN29 0JJ in accordance with the terms of the application, Ref 23/1617/FH, dated 23/1519/FH, dated 27 September 2023 and the plans submitted with it, subject to the conditions set out below.
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out except in complete accordance with the following drawings and documents: Bur-23062/P 1 of 4 Existing & Proposed Plans, Elevations & Location Plan (Received: 27/09/2023), BUR/23062/P 2 of 4 Existing Block Plan (Received: 27/09/2023), BUR/2302/P 3 of 4 Proposed Block Plan (Received: 27/09/2023), BUR/23062/P 4 of 4 Location Plan (Received: 27/09/2023); and Design and Access Statement (Received: 27/09/2023).
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.
  - 4) The floor level of the extension hereby permitted shall not be lower than that of the existing dwelling.

### Preliminary matters

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced by the National Planning Policy Framework December 2023 (Framework). Whilst the new Framework has introduced a number of changes, they are not material to my consideration of the appeal

proposal. For the avoidance of any doubt, I confirm that in this decision I have referred to the new Framework.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the street scene.

### **Reasons**

4. The Appeal site is situated within the countryside, just to the north of the main built up area of the small settlement of Burmarsh. The appeal site is located adjacent to All Saints Church, which is Grade II\* listed and a short distance from The Shepherd & Crook Inn (Inn), which is grade II listed. Their significance is derived from a combination of their history, public use and architecture. Directly opposite the appeal site are a detached house and a couple of modest sized farm buildings and to north and west the appeal site borders onto the open countryside.
5. The appeal dwelling is centrally located within a large plot which is laid out with areas of formal and informal landscaping and includes numerous trees and a large pond to the rear. The garden is enclosed by mature hedges. The appeal dwelling has a strong sense of uniformity due to its combined width, proportions and detailing. This includes fully hipped roofs, centrally placed dormer windows and a shallow front projection that is similar in width to the double garage on the opposite side of the dwelling. There is a wrap-around single storey extension with a glazed roof along part of the southern side and rear elevation of the original dwelling. Due to its set back from the front elevation and glazed roof it is seen as visually distinct from the original dwelling.
6. Together and amongst other things policy HB1 of the Folkstone & Hythe District Council Places and Policies Local Plan 2020 (PPLP), require proposals to make a positive contribution to their location and surroundings. PPLP Policy HB8 states that extensions should reflect the scale, proportions, materials, roof line and detailing of the original building. To maintain the visual quality of the street scene extensions should be subordinate to the building. They should not exceed half the width of the host dwelling or half the depth of the garden. They should also maintain the open character of plots where this is a feature of the street scene.
7. Paragraph 135 of the Framework has similar objectives. Paragraphs 205, 206 & 208 of the Framework state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting.

9. PPLP Policy HB9 allows for annexes in the countryside where they are required to provide care. Attached annexes should be capable of being incorporated into the main house when the need for the annexe ceases. Where attached annexes cannot be attached detached annexes will be permitted, where amongst other things they would be sympathetic and modest in scale to the host dwelling and would have a clear dependency on it.
10. The proposed annexe would be in line with the recessed front building line of the host dwelling and would include a hallway that would be linked to the host dwelling. This link would screen the existing wrap-around extension located to the side and rear of the dwelling. As with the original dwelling the proposed roof of the annexe would be fully hipped. It would also be materially lower which would help ensure that the annexe would be visually subservient to the host dwelling. The slightly shallower pitch of the annexe roof would be largely unnoticeable due to linear form the lower hallway link. It would also respect the roof pitch of the existing wrap around extension and the pitched roof outbuilding on the opposite side of the host dwelling.
11. Whilst the width of the annexe would slightly exceed half the width of the original house, along with the proposed fenestration and external materials it would respect the overall form and appearance of the host dwelling. Accordingly, the modest conflict with PPLP Policy HB1 regarding the width of the annexe would not in itself weigh against the proposal. Due to the proximity and juxtaposition of the proposed annexe, the original dwelling and the existing wrap around extension, the proposed annexe would relate appropriately to the host dwelling. Also, having regard to the size and in particular the width of the plot the resultant dwelling would appear spaciouly sited and proportionate to the site.
12. Regarding the need for the proposed annexe, the personal circumstances set out in the appellants appeal statement clearly support the provision of the proposed annexe. Physically and in terms of use the proposed annexe would share the same access and parking area which are located on the opposite side of the dwelling. It would also share the same garden area and there would be direct inter-looking between the proposed kitchen/living area and the wrap around extension. As a result, there would be a shared dependency between the host dwelling and the annexe. Should the stated need for the annexe cease, having regard to the size, layout and siting of the proposed annexe, it would lend itself to a variety of uses associated with the host dwelling.
13. The proposed annexe and the Inn would be effectively screened from each other by the existing annexe to the side of the Inn and the boundary hedge and trees between the buildings.
14. The upper part of the rear elevation of All Saints Church is visible over the front boundary hedge of the appeal site. Such views are filtered by the intervening trees and the boundary hedge to the rear of the church. The proposed extension would be visible in these views, where it would be seen as part of the host dwelling and would be separated from the church grounds by a treed side garden area. For these reasons, the setting of the above listed buildings would be preserved and the proposal would not detract from their significance.
15. Finally, the council has suggested the imposition of conditions relating to the use of matching external materials and adherence to the submitted drawings.

These conditions are necessary to ensure the extension respects the character and appearance of the host dwelling and for the avoidance of doubt.

16. The officer report states that as the site falls within flood zones 2 & 3, the finished floor levels should be no lower than that of the host dwelling. Whilst the submitted drawings appear to show that this is the case in the interests of certainty it is a matter that would need to be secured by condition. Finally, I note that the council has suggested an informative relating to the occupancy of the annexe. Informatives are not included in appeal decisions and as planning permission would be required for the use of the annexe as a separate dwelling, a planning condition relating to the use of the annexe is not necessary.
17. For these reasons I conclude that the proposal would respect the character and appearance of the street scene and would comply with PPLP Policies HB1, HB8 and HB9 and paragraphs 135, 205, 206 & 208 of the Framework.

*Elizabeth Lawrence*

INSPECTOR