
Appeal Decision

Site visit made on 27 March 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/E2205/D/23/3334989

Rosecroft, Selling Road, Old Wives Lees, Kent CT4 8BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Lickman against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0043.
 - The development proposed is the erection of a two-storey rear extension with an amended roof design that includes the addition of solar panels.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property has an extensive planning history. Initially, planning permission for a one-storey side extension was permitted¹, this was followed by planning permission² for the erection of a rear two-storey extension on the side of the property closest to the Whittingtons. More recently, a retrospective planning application³ for the erection of a two-storey rear extension was refused and the subsequent appeal was dismissed⁴.
3. The appeal proposal is an amended scheme compared to the scheme previously dismissed at appeal. Whilst some elements of the proposal have been constructed, others have not. I will therefore refer to the proposal as the proposed development throughout my decision, although some aspects are already constructed.
4. In addition, I understand that the Council has initiated enforcement proceedings against the appellant in relation to the two-storey extension aspect of the appeal proposal. My decision is based on the acceptability of the appeal proposal only and is without prejudice to enforcement proceedings.
5. The description of development in the banner above is replicated from the Officer's Assessment Sheet as it is a more accurate description of the proposed development, as it specifies the erection of a two-storey rear extension.
6. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes' (NLs). Thus, the Kent Downs AONB became the Kent Downs National Landscape (KDNL).

¹ Planning Permission ref. 94/01154/AS

² Planning Permission ref. 07/02287/AS

³ Planning application ref. 20/00648/AS

⁴ Planning Appeal ref. APP/E2205/W/21/3271485

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, including the KDNL.

Reasons

8. Selling Road is a predominantly residential area, accommodating several properties of varying design. Nonetheless, pitched roofs are a common feature. The appeal property is semi-detached. Both the appeal property and the attached neighbouring property have two-storey side extensions which accommodate hipped roofs. This gives the appeal property, and its neighbour, a distinctive roof form which is prominent in the street scene.
9. Policy HOU8 of the Ashford Local Plan 2030, February 2019 (LP) indicates that proposals for extensions will be permitted where they are suitable in size, scale and materials to the existing dwelling, and would not result in significant harm to the overall character and appearance of the area, amongst other factors.
10. The flat roof to the rear of the property would be increased in height to align with the eaves of the proposed extension. However, the eaves of the proposed extension would be above the eaves of the front section of the roof. The height of the proposed extension would appear jarring as it would not align or appear subordinate to the existing dwelling. Moreover, large flat-roofed extensions, projecting above the eaves of the original dwelling, are not a feature currently within the street scene. As such, the proposal would appear incongruous and would not be suitable in size or scale.
11. Solar panels are an existing feature within the street scene as they are present on neighbouring properties. Nonetheless, all the solar panels I observed in proximity to the site where affixed to roofs, rather than being sited above a flat roof. I note that the panels would screen the flat roof and it would appear as though the roof continues over the flat section. Nonetheless, the utilitarian appearance and the materials of the panels would contrast with the roof tiles and brickwork. The contrast in appearance would increase the prominence of the proposed extension in the wider street scene.
12. I acknowledge that the proposed extension is screened in views from Selling Road south of the appeal property, but it would be visible in views from the north. Due to the height of the extension and the orientation of the solar panels, atop a flat section of the roof, the proposed extension would harm the pleasing roofscape.
13. The appeal property is located on the edge but within the KDNL an area designated for its landscape and scenic beauty. The KDNL is characterised by its undulating landscapes, which largely comprises of farming land and wooded areas. Under the Countryside and Rights of Way Act 2000 I must seek to further the purpose of conserving and enhancing the natural beauty of the KDNL. Also, the National Planning Policy Framework (the Framework) indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues.
14. I note that the KDNL covers a wide area, the proposal is small scale, and the appeal site in its existing condition is not characteristic of the wider KDNL. Nonetheless, for the reasons set above the proposal would appear incongruous

within the street scene and, consequently, it would not conserve the scenic beauty of this part of the KDNL.

15. I acknowledge that the height of the roof was required to ensure the extension obtained building control approval. However, this does not negate the need for planning permission and there is no evidence that indicates that the proposed development is the only proposal which would secure an appropriate ceiling height for the proposed bedroom. I also note that there was previously a flat roof for the side extension, but that extension was only a single storey and therefore is materially different to the appeal proposal.
16. A lack of objections from interested parties in relation to the effect of the proposal on the character and appearance of the area, does not indicate that the proposal would not have a harmful effect.
17. I conclude that the proposal would have a harmful effect on the character and appearance of the area, including the KDNL. It would therefore be contrary to LP Policies SP1, SP6, HOU8 and ENV3b. These policies indicate that one of the Council's strategic objectives is to create the highest quality design which responds to the prevailing character of the area; proposed extensions must be suitable in size, scale and materials; and proposals affecting the KDNL will be permitted where the location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape. Moreover, the proposal would not be in accordance with paragraph 135 of the Framework, which advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, amongst other factors.
18. As I must seek to further the purpose of conserving and enhancing the natural beauty of the KDNL, I ascribe substantial weight to the harm caused by the proposal.

Other Matters

19. I note that the proposed solar panels would provide environmental benefits, but these are limited given the scale of the development. I also acknowledge that there were no objections from neighbours and the proposal would not harm the living conditions of neighbouring residents. Furthermore, the proposal would meet the needs of the current occupants without prejudicing the ability of future generations to meet their own needs, and there would be economic benefits associated with the construction of the proposal. Notwithstanding this, these material considerations do not outweigh the substantial harm caused by the proposal.

Conclusion

20. The proposal conflicts with the development plan and the material considerations, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR