



Appeal Decision

Site visit made on 2 May 2024

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal Ref: APP/U2235/D/23/3329503

1 Gable Cottages Otham Street, Otham, MAIDSTONE, ME15 8RL

- 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 Neil Petersen against the decision of Maidstone Borough Council.
 - The application Ref is 23/502410/FULL.
 - The development proposed is the erection of a rear extension at ground and lower ground levels to an existing semi-detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Council Local Plan Review (LPR) was adopted on 20 March 2024. Consequently, this decision has considered Policies LPRSP9, LPRSP14, LPRSP15, LPRHOU11, LPRENV1 and LPRQD4 of the LPR, as well as Policies SP17, SP18, DM1, DM4, DM30, and DM32 of the Maidstone Local Plan (LP) 2017. The appellant's views on the proposed roof materials have been sought. Main parties' comments on these matters have been considered in this decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the site's location within the countryside and Otham Conservation Area.

Reasons

Character and appearance

4. The appeal site comprises a semi-detached two storey dwelling, located within open countryside and Otham Conservation Area. Both dwellings are believed to have been built in the early-mid 19th century as workers' cottages and originally formed a symmetrical pair. The dwellings are built of Flemish-bond red brick with clay-tile, half-hipped roof and a central chimney stack but their rear is faced with cement render at ground floor level with white shiplap boarding at the first floor.
5. A rear terrace has an underneath cellar/store exposed due to the slope of the dwelling's plot down from Otham Street and is constructed of rough ragstone and brick quoins, probably built in the early 20th century. Indeed, the dwellings have been constructed at a considerably lower level than Otham Street. The

road level roughly equates to the roof eaves height of the appeal dwelling. At the bottom of the garden, there is a fence and hedge, beyond which there is sheep grazing pasture and Pigeon Wood, an ancient woodland. To the side of the appeal property, there is a hard surfaced area level with Otham Street which provides parking for the dwellings. There is a hedge along the remainder of the Otham Street frontage of the two dwellings.

6. Within the Conservation Area, the village is mainly linear in its layout, with buildings along Otham Street and it is surrounded by rolling farmland and wooded hilltops. Traditional designed buildings are sited in a clustered manner or isolated in spacious landscaped settings along this street. An exception is Stoneacre, a farmhouse dating to 16th century, with adjacent buildings, north of the appeal site, which is accessed off Otham Street. In the vicinity of the appeal site, there is the Grade I Listed Otham Manor towards the village core, whilst in the other direction, there are further traditional designed listed buildings.
7. The Otham Conservation Area Appraisal (OCAA) details that that a high number of traditional buildings bring a contribution to the character of the Conservation Area. Under the OCAA, Nos 1 and 2 Gable Cottages are listed as making a positive contribution to the character and interest of the Conservation Area and whose retention should be encouraged wherever possible. In summary, traditional building design, linear village layout, established landscaping, fields/paddocks, and topography are features of quality and importance, which contribute to the significance and special interest of the Conservation Area.
8. The Council's Residential Extensions Supplementary Planning Document (SPD) 2009 provides guidance for modest or limited extensions to an original dwelling that do not adversely impact its form and character or the countryside. It also states that such an assessment applies whether the extension is in a prominent and highly visible location or if there are limited or no public views. The reasoning being that if the extension is allowed, such an argument could be repeated, with a potentially more serious cumulative impact on the countryside. The guidance though indicates that the countryside impact of an extension is clearly greater if located in prominent and highly visible locations. In judging an application to be modest or limited in size, it is indicated that this would be where no more than 50% of the volume of the original dwelling has cumulatively increased. Within the guidance, reference is made to a range around the percentage figure that suggests flexibility.
9. Both cottages have been extended and altered, with effects on the character of them most noticeable to the rear. The rear elevation has a modern feel with rendering and white timber tile hanging. The main visual interest focusses on the front facades of the semi-detached dwellings with their traditional design, features and materials, with exposed brickwork. There is disagreement on the cumulative percentage increase in extension on the appeal property, with the appellant indicating a lower figure of 60%.
10. However, the rear elevation still retains a simplicity in keeping with the older traditional nature of the dwellings. By reason of its projection, the dormer extension would result in a visually large and complicated addition. It would noticeably project out beyond a lean-to styled pitched roof at ground floor and the rear wall of the former store below, visually evidenced by supporting corbel

brackets. By reason of its width, height and projection, it would result in a dominant and overbearing feature. It's three window configuration would be larger than other rear windows and would serve to emphasise this imposing adverse effect.

11. There would be limited public views of the development but the dormer design would be particularly incongruous within a Conservation Area. Paragraph 195 of the National Planning Policy Framework (the Framework) states heritage assets, such as Conservation Areas, are an irreplaceable resource. They 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. In this case, architectural qualities contribute significantly to a high level of significance and special interest for the Conservation Area. In the Conservation Area, many buildings are hidden from public view due to its sylvan and hilly nature. Within this context, to allow a markedly harmful designed extension, would weaken the Council's ability to turn down other proposals in the Conservation Area where similar arguments are put forward.
12. For all these reasons, there would be harm to the character and appearance of the area, and the development would fail to preserve or conserve the character and appearance of the Conservation Area. Accordingly, the proposal would conflict with Policies SP17, SP18, DM1, DM4, DM30, and DM32 of the LP, and Policies LPRSP9, LPRSP14, LPRSP15, LPRHOU11, LPRENV1 and LPRQD4 of the LPR, which collectively and amongst other matters, require no harm to the character and appearance of the area, the conservation and where possible, the enhancement of the characteristics, distinctiveness, diversity and quality of heritage assets, high quality design and extensions being sympathetic to the existing dwelling. There would also be conflict with the guidance of the SPD in that it adversely affects the form and character of the original building, and character of the countryside.

Other Matters

13. As a designated heritage asset, there would be less than substantial harm to the Conservation Area in terms of the Framework. At paragraph 208, the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
14. Single bedrooms would be provided for the appellant's family, allow the appellant to work from home, the enjoyment of the countryside surroundings as a family, the residing by them within the village and being a continuing part of its community. Whilst sympathetic to these personal circumstances, they would not be of a nature or scale to be of major benefit to the public at large and would not form significant public benefits¹ that can be considered in this heritage balance. The extension would upgrade existing accommodation to modern standards and would improve the quality of the housing stock within the Council area. In achieving this, it would make more effective use of land and a building as a resource. However, such public benefits would be limited given the proposal relates to a single dwelling.

¹ Planning Practice Guidance Paragraph: 020 Reference ID: 18a-020-20190723
Revision date: 23 07 2019

15. In contrast, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Due to this statutory requirement, the identified harm carries considerable importance and weight. In light of the forgoing, there would be no public benefits sufficient to outweigh the less than substantial harm identified.
16. At 1 Wardes Bungalows and a property known as Bramley, a replacement dwelling and extensions respectively have resulted in size increases in excess of the 50% criteria contained within the SPD. However, every proposal has to be considered on its own particular merits taking into account nature and context. In this respect, the appeal proposal would result in an unsympathetically designed dormer extension which would be a dominating and overwhelming feature. There is no evidence, that such a similar adverse effect on a semi-detached dwelling, resulted from either of these two cited examples.
17. Personal circumstances have been put forward. However, these will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after they have ceased to be material. The development would have a significant adverse impact on the character and appearance of the area. Moreover, I am not convinced that the personal circumstances are persuasive because there could be other solutions to providing the accommodation sought. For all these reasons, the personal circumstances in this case are not sufficient to outweigh the conflict with policy and harm that would arise if the appeal were to be allowed.
18. Grade I Listed Otham Manor has architectural and historical qualities derived from its traditional design, age and evolution over time. By reason of its Manor status, it has a wider setting from which its significance and special interest are understood. In considering whether to grant planning permission, s66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. However, the proposal is for an extension to an existing building and as such, it's small scale nature would result in no harm in respect of setting of this listed building.

Conclusion

19. There would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, this appeal is dismissed.

Jonathon Parsons

INSPECTOR