



Appeal Decision

Site visit made on 10 July 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Appeal Ref: APP/U2235/D/24/3343407

Hillside House, Pilgrims Way, Detling, Kent ME14 3EX

- 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 T Cowland against the decision of Maidstone Borough Council.
 - The application Ref is 23/505597/FULL.
 - The development proposed is the erection of a part single storey part two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Local Plan Review 2021-38 (the LPR) was adopted 20 March 2024. Consequently, Policies DM1, DM30, DM32 and SP17 of the Maidstone Borough Local Plan, listed within the Authority's reasons for refusal, have been superseded.
3. Accordingly, I have made my determination against the relevant policies of the LPR. Both parties have had the opportunity to comment on the relevant policies as part of the appeal process.
4. The appeal property is in the Kent Downs Area of Outstanding Natural Beauty (AONB). On the 22 November 2023, all designated AONBs in England and Wales became National Landscapes. Accordingly, this former AONB is referred to as a National Landscape in this appeal decision. Local and national policies relevant to AONBs, now known as National Landscapes, has not changed since the Council's original decision.
5. There are currently no regulations or guidance to assist, but the explanatory note to the LURA states "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this." As such, it is incumbent upon me to evidence consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the AONB and NL. I am satisfied there is sufficient information before me to make my determination in respect of these matters.
6. The Planning Practice Guidance (PPG) refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these

areas. The Kent Downs AONB Management Plan (KDMP) is therefore a material consideration, as its objectives align with the Framework's.

Main Issue

7. The main issue is the effect of the proposed extension on the character and appearance of the appeal property and the surrounding area, bearing in mind it will be in the Kent Downs National Landscape.

Reasons

8. The appeal property is a detached two-storey dwelling (the property), on a large, steeply sloping site. The appeal site is at the edge of a small pocket of suburban housing surrounded by open countryside and is the last house on this stretch of Pilgrims Way before the road, continuing northwest, enters dense woodland.
9. The property derives distinctive character from three gable roofs, a central valley between which is spanned by a fourth roof of matching height and pitch. The southwest flank elevation of the property is notable for a gable end facing toward the boundary, and for the side roof slope of the next nearest gable. Above the junction sits a substantial brick chimney. These features combine to give the property a simple, traditional character and appearance, particularly at first floor and roof level.
10. The southwest flank faces toward the junction of Pilgrims Way and Harple Lane and sits on significantly higher ground, so much so that the first floor and roof of the property are clearly visible above the existing fence when viewed from the area around the junction. Though lacking pavements, the junction area includes a public bench and signposted entrances to footpaths and rights of way through adjacent woodlands. It is a position from which the property is viewed by both motorists and pedestrians. In these ways, the property is prominent in the immediate local area, and the southwest flank elevation particularly so.
11. The appeal proposals would introduce a part single, part double storey extension to the southwest flank, including a significant expanse of flat roof bound by short, pitched slopes with staggered corners. The visual complexity of this arrangement would be sharply at odds with the simple, traditional character of the existing roof, and appear incongruous as a result.
12. Whereas previous extensions have left the property's characteristic gable-ends fully exposed at first floor level, thereby maintaining them as a defining feature, the proposals would partly overlay the southwest facing gable end with an approximate replica in an offset position. This would therefore create a harmfully discordant, compressed, and cramped feel to the relationship between the new gable and the old, and between the property and the proposed extension.
13. The proposal would add significant bulk to the property at first-floor level and, in the context of the southwest elevation, leave little of the current shape and character detectable. In combination, these features of the proposal would crowd and overpower the property, harmfully obscuring its current simple, traditional form.

14. The existing, traditional appearance of the property, combined with its locally prominent position, make it an appropriate landmark along the historic Pilgrims Way, as well as maintaining it in keeping with the countryside elements of the local setting. The immediate surrounding area benefits, and draws much of its character, from the property in these respects, therefore.
15. As the southwest elevation of the property is visually prominent, the harm the proposals would cause to the character of the property would be highly visible in, and therefore extend to, the surrounding area. The proposed extension would erode the appropriateness of the property for its localised setting, and have a similarly erosive effect on the current charm and historic feel of the immediate local area as a result.
16. Notwithstanding the above, I found the property was not visible until I was close by, whether travelling on Pilgrims Road or Harple Lane. I have no evidence that the property is part of any wider or longer views of the NL, and on the evidence, it appears not to be. I also note that the proposals are for a part of the appeal site already subject to development in the form of hard landscaping and a pool. For these reasons, I find that the harm described above is limited to the character of the local setting, and that the proposal does not affect the landscape components identified in the KDMP and would, as such, conserve the natural beauty of the AONB/NL.
17. The appellant sets out a fallback whereby approved planning application Ref 23/501528/FULL would be built. I agree that development has a real prospect of being implemented if this appeal is dismissed, and that it contains the same ground floor arrangement as the appeal proposal.
18. However, the fallback scheme would incorporate much less bulk and height on the side of the building, have a smaller, simpler roof, and not obscure the existing gable-end. Accordingly, the fallback scheme would be more subservient to the existing property and less prominent from the road. It is less harmful than the appeal proposals.
19. I appreciate that the proposed extension would be a reasonable distance from the road and that not all of it would be fully visible from outside the site. Nevertheless, the flank is, and would remain, prominent through gaps in the trees from the junction area as set out above.
20. Whilst new planting on the boundary with Pilgrims Way may one day screen the development from public view, it would not reduce the harmful effect of the development on the character of the host dwelling. In addition, I have no evidence that planting new trees sufficiently dense and tall to screen public view would maintain acceptable levels of light and outlook for occupiers of the appeal site. I attach minimal weight to the prospect of new planting, therefore.
21. Overall, and whilst I have found the proposals to conserve the natural beauty of the AONB/NL, the development would overwhelm the original form of the host dwelling, thereby causing unacceptable harm to the character and appearance of the appeal property and surrounding area. Therefore, it conflicts with Policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU11 of the LPR where they require extensions to relate sympathetically to the existing building and not overwhelm its original form and respond positively to local or natural character. It would also conflict with the good design aims of the Supplementary Planning

Document Residential Extensions (2009), and of the National Planning Policy Framework.

Conclusion

22. 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. The appeal is dismissed.

A Knight

INSPECTOR