



Appeal Decision

Site visit made on 22 July 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/U2235/D/24/3344042

Moonrakers, Darman Lane, Laddingford, Maidstone, Kent ME18 6BL

- 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 Shane Huke against the decision of Maidstone Borough Council.
 - The application Ref: 24/500853/FULL.
 - The development proposed is the demolition of existing conservatory and erection of two storey side extension and part single part two storey rear extension and widening of existing access.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by the appellant against the Council. This forms the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the dwelling and the surrounding countryside.

Reasons

4. The appeal site is a detached dwelling located in countryside as classified within the Local Plan. The dwelling is set within substantial grounds with paddocks, farmland and open space beyond. The dwelling has been extended in the past with a two storey side extension and rear conservatory.
5. Policy LPRQD4 (*Design Principles in the Countryside*) of the Maidstone Local Plan 2021-2038 (2024) (MLP) seeks to protect the character of the countryside by requiring extensions to dwellings to be of a scale which relates sympathetically to the existing building and would have no significant adverse impact on the form, appearance or setting of the building. Policy LPRHOU11 (*Rebuilding, Extending and Subdivision of Dwellings in the Countryside*) of the MLP requires extensions to dwellings in the countryside to be well designed and sympathetically related to the existing dwelling without overwhelming or destroying the original form of the dwelling.
6. These policies are consistent with paragraphs 135 and 180 of the National Planning Policy Framework (the Framework), which state that decisions should be sympathetic to local character and landscape setting, and contribute to and

enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

7. I am aware of the planning history at the site, which includes a similarly scaled proposal with a different design Ref: 23/503511/FULL being refused planning permission and then dismissed at appeal¹. Prior to that, Ref: 22/504290/FULL granted planning permission for a matching two-storey extension to the south side of the property and a part single-storey rear extension with a depth of around 6m from the rear of the dwelling. A prior notification application Ref: 23/501671/PNEXT confirmed that an 8m deep flat roofed single-storey rear extension to replace the existing conservatory can be built as permitted development.
8. I note that the Council consider that permissions 22/504290/FUL and 23/501671/PNEXT are mutually exclusive and cannot both be implemented. Notwithstanding this, it is evident from the planning history that the acceptability of the side and ground floor extensions, and proposed widening of the access is not in dispute between the parties and are considered acceptable. The appeal proposal also includes amended materials and fenestration design to more closely reflect the design of the existing building, which the Council also now consider as acceptable. The difference between the parties, therefore, relates to the scale of the first floor rear extension.
9. I note the appellant considers that the previous appeal decision provides support for the scale of extension proposed as the previous inspector was primarily concerned with the contemporary nature of the proposal with regard to glazing, fenestration and design. Whilst, I agree that the previous Inspector focus was on the design and appearance of the previous scheme, they did also identify a concern with it being, amongst other things, a large and dominant addition. Whilst the previous inspector made a reference to the scale and form of the extension being not necessarily the concern, they also did not categorically state in their decision that the scale of the previous proposal was acceptable.
10. Notwithstanding this, the previous scheme was very different in its overall design to the proposal before me, and each appeal must be determined on its own merits. Moreover, since the previous appeal decision the Council has adopted the MLP that includes various new and up-to-date policies that reaffirm the importance of ensuring extensions to dwellings in the countryside are sympathetic in scale and design to existing buildings.
11. In this regard, the first floor rear extension would extend back from the original dwelling by around 5.5m, and around 3m from the two side extension's rear walls. This would create a situation where each component part of the rear extension would have a different depth, which would be a marked change from the form of the original rectangular shaped dwelling. Moreover, the effect of this would be to accentuate the scale and prominence of the first floor extension within the central section, which would appear as overly wide with an excessively large rear projection when viewed from the side and rear of the property.
12. The roof form of the proposal would include a number of styles including a large flat roof element over the first floor rear extension. Not only is this out of

¹ APP/U2235/D/23/3331578

character with the prevailing pitched roof style in the area, the flat roof element would exacerbate the excessive scale and depth of the first floor rear extension. The overall effect of the proposal would be an overly dominant and discordant appearing first floor rear extension that would overwhelm the existing building to the extent where the original building's form would no longer be recognisable.

13. I have also considered the guidance in the Council's Residential Extensions Supplementary Planning Document (SPD) (2009), which states that extension should be modest in size and subservient to the original dwelling that would normally result in an increase of no more than 50% in the volume of the dwelling. It is evident from the information before me that the proposal would increase the volume of the original dwelling significantly more than 50%. Whilst this is only one measure to assess impact, it highlights that the scale of the proposal would be a significant, rather than modest, addition to the dwelling in the countryside, which is recognised in the development plan as being highly sensitive to development.
14. I am aware that permission 22/504290/FULL, whilst smaller than the appeal proposal, also resulted in more than a 50% increase in volume. This was, however, justified because it was still a proportionate and well-designed extension that reinstated symmetry to the building in line with a key characteristic of the original dwelling's design. For the aforementioned reasons the appeal proposal would not achieve the same outcome due to the excessively large first floor projection beyond the side extensions that would result in an overly dominant and unsympathetic addition to the dwelling.
15. Whilst visual impact would be greatest from within the site itself, there is an area of open space to the north where the extended dwelling would be visible in winter months when deciduous vegetation lose leaves. The property would also be visible from the farmland beyond from the other directions. Overall, whilst there is some screening around the properties boundaries, the overly large first floor element and incongruous roof form would be visible from outside the site and cause harm to the visual qualities of the countryside.
16. To conclude, I find that the size, scale and roof form of the proposal would result in a disproportionately large and discordant first floor rear extension that would not be a sympathetic or subservient addition to the existing property. The proposal is, therefore, contrary to Policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU11 of the Maidstone Borough Council Local Plan Review 2021-2038 (MBCLPR) and Policies SP17, DM1, DM30 and DM32. The proposal is also not consistent with the guidance within the Council's Residential Extensions SPD or Paragraphs 135 and 180 of the Framework.

Conclusion

17. For the reasons given above, the development is not consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be dismissed.

N Perrins

INSPECTOR