

Appeal Decision

Site visit made on 26 June 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/U2235/D/24/3338730

The Granary, Court Lodge Farm, The Street, Teston, Kent ME18 5AQ

- 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 and Mrs D Walters against the decision of Maidstone Borough Council.
 - The application Ref is 23/505271/FULL.
 - The development proposed is a ground floor extension to annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form provided the site address as 'Court Lodge Farm, The Granary', but the appeal form, appeal statement and decision notice all have the terms the other way around. The latter appears more accurate, and I have used it in the banner heading above.
3. The Maidstone Borough Local Plan Review 2021-38 (the LPR) was adopted in March 2024 and is now the development plan for the appeal. Consequently, Policies SP17, SP18, DM1, DM3, DM4, DM30 and DM32 of the Maidstone Borough Local Plan (the LP), listed on the decision notice and within the Council's submission, have been superseded. Accordingly, I have made my assessment against the relevant policies of the LPR. Both parties have had the opportunity to comment on these policies as part of the appeal process.

Main Issues

4. The main issues are:
 - Whether the proposal would create accommodation capable of use as a separate dwelling;
 - The effect of the proposal on trees which contribute to the character and appearance of the area, and;
 - The effect of the proposal on the setting of The Granary, a non-designated heritage asset (NDHA), and the character and appearance of the surrounding area, including the Teston Conservation Area (the CA).

Reasons

Use as a separate dwelling

5. The appeal site includes a large, detached barn converted into a dwelling (the main house) and a detached outbuilding (the annex). The latter is located in the corner of this triangular plot, separated from the main house by a low, open picket fence and gate. The annex is accessed via either a garden path leading around the front of the main house, or a gate in the boundary fence, leading directly to the annex. It contains a bedroom with an en-suite bathroom, a kitchen, and a living room. An area of garden in the furthest corner of the plot is separated from the rest of the site by the picket fence and the annex itself.
6. The proposals do not include new primary living accommodation such as a bedroom, bathroom, or kitchen, do not include new access arrangements, greater physical segregation from the main house, or changes to the outdoor amenity area. Whilst the proposed extension would enlarge the living area, the increase would be modest and not introduce new ways in which the building could be used. In terms of appearance, the annex would remain subservient to the main house.
7. What potential there is for the annex to be used as a separate dwelling is derived from the existing arrangements. The proposed extension would not, within itself, create a scale or type of accommodation that is capable of being used as a separate dwelling, and accords with LPR Policy LPRSP14(A) as a result.

Trees

8. The verge between the appeal site and the adjacent Tonbridge Road is marked by a row of tall, mature trees which combine with others to line the highway. The trees are a pleasant, characteristic feature within a bucolic landscape, softening the appearance of the road and buffering nearby homes from noise and fumes. For these reasons, the trees have significant amenity value and are worthy of retention.
9. Policy LPRSP14(A) of the LPR replicates the requirements of LP Policy DM32 in requiring development proposals to provide arboricultural assessments where appropriate. The proposed extension would be near to, and in one instance under the canopy of, trees on the verge outside the appeal site, and so the provision of such an assessment is necessary. The appellants have not provided an arboricultural assessment and/or any evidence that the extension would interact harmlessly with the trees, particularly their roots.
10. To grant planning permission subject to a condition requiring a tree survey and protection plan would be unreasonable as, in the absence of evidence on the point, it is not clear the development could proceed at all without harm to the trees.
11. The proposal involves an extension to the annex that would incorporate a window in the south elevation, facing the trees. Whilst that window would provide natural light to the annex, the extended living area would also receive light through a part-glazed single door on the extended east elevation and a fully glazed pair of doors on the west. Therefore, whilst the trees may restrict light to the proposed southern window, the annex would not be rendered so

dark or gloomy as a result that requests for tree removal would be inevitable, or that declining such requests would be unreasonable.

12. In the absence of an appropriate arboricultural assessment, it has not been demonstrated that the development could be carried out without having a harmful effect on trees which make a positive contribution to the character and appearance of the area. The development is therefore contrary to Policy LPRSP14(A) of the LPR which requires development proposals to protect positive landscape character and trees with significant amenity value, and to avoid significant adverse impacts as a result of development, and to the similar aims of the National Planning Policy Framework (the Framework).

Character and appearance

13. The appeal site is in the southernmost part of the village of Teston, where historic and suburban development begins to cede to open countryside beyond. The site is bound on one side by the busy A26 Tonbridge Road, and on the other by a private road.
14. The appeal site is within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the Framework requires great weight to be given to the conservation of heritage assets.
15. The CA is based around Barham Court and its historic estate, which includes Court Lodge Farm. The main house at the appeal site is a converted former barn that once served the farm. As such, the significance of the CA in relation to the appeal proposal is in the historic relationship between the main house and the farm. This is most readily appreciated from the private road, as it is the access to the farm and the main house is laid out adjacent to it.
16. The appeal proposal would extend the annex towards Tonbridge Road, on the side of the building facing away from the private road. It would not reduce the gap between the annex and the main house or alter the relationship between the main house and the farm. As a result, I am content that the proposal would not be harmful to the significance of the Conservation Area and that it would preserve its character and appearance.
17. The main house at the appeal site is an NDHA. It is converted from a traditional timber barn and is recognisable as an agricultural working building. Its significance derives from its historic use in the context of the CA, and its attractive, rural appearance.
18. The main house is separated from Tonbridge Road by its substantial residential garden and the tall, mature trees referred to above. As a result, the main house is prominent when viewed from the private road, clearly visible from the public highway at the junction with the private road, and far less prominent and visible from Tonbridge Road. In these ways, the key setting of the NDHA is related predominantly to the view of it from the private road.
19. Notwithstanding the above, from a small area around the junction between Tonbridge Road and the entrance to the nearby Teston House it is possible to obtain a line of sight in which the annex is in the foreground with the main house behind. This view is glimpsed only through gaps in the trees and the

area around the junction is not one in which pedestrians would naturally linger, being an undeveloped area on a busy main road.

20. The appeal proposal would interfere with the views of the main house described above, extending the annex roof across the line of sight using matching materials. Views of the main house would be lost entirely at a few points, though would remain intact at others within what is, overall, a very limited set of vantage points in a largely uninviting spot. Views of the main house from the private road, and from the public highway where it meets the entrance to the private road, would be unaffected by the proposals due to the density of tree coverage at the corner of the appeal site, and the position of the proposed extension on the far side of the annex to public view.
21. In this context, the proposed development would not affect the significance of the NDHA or harm its setting, nor would it have any harmful effect on the character and appearance of the area, including the CA. It would, therefore, comply with LPR Policies LPRSP15, LPRQ&D4, LPRTRA4, LPRSP9, LPRHOU11, LPRSP14(A), LPRSP14(B), and LPRENV1 where they seek to prevent harm to the character and appearance of the area, require high quality design, the conservation or enhancement of non-designated heritage assets and their settings, and enhance or maintain local distinctiveness, as well as the supporting advice in the Residential Extensions SPD, and the similar aims of the NPPF.

Other Matters

22. The site is near the Grade II listed Court Lodge Farmhouse, The Street¹, which is nestled near a complex of barn and stable buildings, and separated from the annex by the main house, the private road and trees lining it. Northeast of the site is the Grade II* listed Church of St Peter and St Paul, Church Street², the Parish church, separated from the annex by the private road, suburban dwellings and residential gardens. Also northeast of the site is Grade II* listed Barham Court³, a substantial house separated from the appeal site by the main house, the private road, Court Lodge Farm buildings, a dense belt of trees and the grounds of the house. Some half a mile north of the appeal site, separated from it by substantial suburban development and open countryside are Grade II listed Livesey Cottage⁴ and 1-4 Livesey Cottages⁵, Livesey Street, Teston, a house and row of cottages respectively.
23. Whilst neither party has identified harm to the setting of these heritage assets, I have had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the proximity and physical relationship of the proposal to the designated assets as set out above, their settings would be preserved, and the proposal would not detract from them. In particular, I am mindful of the contribution made by agricultural landscapes to the setting of churches, but the proposal would not

¹ List entry number 1262903

² List entry number 1251097

³ List entry number 1251014

⁴ List entry number 1262927

⁵ List entry number 1251131

compete with the Church of St Peter and St Paul or interrupt any designed views of it.

24. I acknowledge concerns over the accuracy of the plans in respect of roof pitch and ridge height. I have based my determination on the plans that were before the Council, as it based its decision upon them.
25. I appreciate that the development would assist in home-working and, as such, would offer the potential for less use of motorised vehicles for work purposes. This would be beneficial, but would not outweigh my concerns regarding the effect of the proposal on trees.

Conclusion

26. I am satisfied that the development would not result in a building capable of use as a separate dwelling, and would preserve the character and appearance of the Teston Conservation Area and the setting and significance of the main house at The Granary, a non-designated heritage asset. However, the effect on trees would be such that, overall, the proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with the plan, and the appeal is dismissed, therefore.

A Knight

INSPECTOR