



Appeal Decision

Site visit made on 20 November 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/V2255/W/24/3337366

Bullfinch Cottage, Lewson Street Road, Norton, Kent ME9 9JQ

- 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 S Southworth against the decision of Swale Borough Council.
 - The application Ref is 23/503412/FULL.
 - The development proposed is single storey granny annexe linked by covered way to main dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and whether this location is suitable for this development.

Reasons

Character and appearance

3. The appeal site accommodates a detached dwelling within a row of a handful of houses, with some larger farm buildings to the south. The surrounding land is in agricultural use.
4. There is a significant gap between the existing house at the appeal site and the pair of semi-detached houses to the north, and there are no other domestic outbuildings alongside any of the neighbouring houses. This results in the immediate area having a simple, uncluttered and spacious character, in keeping with the rural surroundings.
5. The proposed annexe would sit to the side of the host dwelling on a part of the plot which currently has a thick conifer hedge on it. It would be set back very slightly behind the building line of the host dwelling but would be considerably further forward than the adjacent houses to the north. It would also substantially fill the space to the boundary, which is demarked by a close-boarded fence. The annexe would have a significant depth, greater than that of the main house, and would have a hipped roof with a ridge much higher than the eaves of the host dwelling.
6. When seen in the street scene, particularly in views from the north across the open area at the front of the neighbouring house and above the boundary fence, the large depth and height of the annexe in combination with its siting substantially forward of the neighbouring house, would result in the

development appearing excessively prominent in the street scene. It would detract from the characteristic spaciousness of the area and would appear incongruous. It would therefore contrast harmfully with the character and appearance of the area.

7. The proposal would therefore conflict with policy DM14 of the Swale Borough Local Plan (2017), which seeks to ensure that all development is well sited and of a scale and appearance that is sympathetic and appropriate to its location; and Local Plan policies DM16 and DM11, which seek the same with specific reference to domestic extensions and extensions in rural areas respectively. I give substantial weight to this conflict.
8. Due to the relatively small scale of the development and its siting at a domestic property, I find no conflict with Local Plan policy DM24 which seeks to ensure that non-designated landscapes are protected.
9. Both parties have referred to a planning permission for a garage at the site from 1993. This permission was not implemented. However, from the details provided, it appears that that proposal was not sited as far forward on the plot and was not as deep as the current scheme. As that proposal was over 30 years ago and so was considered against a different policy framework, and was smaller than the scheme before me, it is not comparable to the appeal proposal and has no bearing on my decision.

Location

10. The appeal site is distant from any shops or services and is outside any built-up area boundary. It is in the open countryside for the purposes of planning policy. The provision of a new dwelling in the open countryside would not be supported by Local Plan policy ST3 which sets out the Council's settlement strategy. This aims to focus development to the larger settlements where services are present and not the smaller settlements which have poorer access to services by sustainable modes of transport.
11. However the proposal is for a granny annexe. This would be to accommodate the appellant's parents and is needed to support the appellant's mother who has dementia. The annexe would have all the facilities necessary for independent living including a kitchen, lounge, bathroom and two bedrooms.
12. Nonetheless, it would have patio doors opening out onto a garden shared with the existing house and would be physically linked to the main house by a covered link. The front door to the granny annexe would be accessed through this covered link as would the kitchen door of the host dwelling. The covered way would be narrow and hence the two buildings would be very close together.
13. Overall, although the proposal could be lived in independently, it would have functional and physical connections with the main house. Moreover, were planning permission to be granted it would explicitly be for a granny annexe and therefore the use of the building as a separate dwelling would require a separate planning permission. On the basis that it would be ancillary to the main house and would not comprise a separate household, there would be no conflict with policy ST3 as set out above.

Other Matters

14. Dismissing the appeal would interfere with the appellant's, and their family's, rights to respect for their private and family life and their home under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights and interference with them in this instance would be justified in accordance with the law and necessary in a democratic society in pursuance of well-established and legitimate aims to, amongst other things, protect the character and appearance of the countryside. Furthermore, the relevant planning policy objectives could not be achieved by less imposing means. Dismissal of the appeal would be proportionate and the minimum necessary.
15. I have also had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the harms caused by the proposed annexe as set out above, outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and disability, advancing equality of opportunity for those persons, and fostering good relations between them and others.

Conclusion

16. Although the development would not be unsuitably located, it would harm the character and appearance of the area. The proposal would conflict with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is dismissed.

A Owen

INSPECTOR