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## Appeal Decision

Site visit made on 27 February 2024

**by A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1 March 2024**

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**Appeal Ref: APP/V2255/D/23/3329707**

**Moggys Cabin, Throwley Forstal ME13 0PJ**

- 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 & Mrs Berryman against the decision of Swale Borough Council.
  - The application Ref is 23/502872/FULL.
  - The development proposed is two storey rear extension.
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### Decision

1. The appeal is allowed subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AL(0)01/A: Site Location Plan; AL(0)100/B: Site Plan & Roof Plan as Proposed; AL(0)02/A: Site Plan as Existing; AL(0)101/B: Floor Plans as Proposed; AL(0)03/B: Floor Plans, Elevations & Section as Existing; AL(0)103/B: East & South Elevations as Proposed; AL(0)104/B: West & North Elevations as Proposed; and, SJA MSP 23288-091: Method Statement Plan.

### Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area, having particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB).

### Reasons

4. The appeal site lies outside of any defined built up area boundary and falls within the countryside for planning purposes. The appeal site also lies within the Kent Downs AONB. There is a public right of way that runs along the northern boundary of the site.

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5. The Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs. The appeal site lies at the edge of a small settlement. The surrounding landscape is predominantly in agricultural use. The area is characterised by irregular shaped fields, which are bound with trees and hedgerow. There are areas of woodland interspersed within the picturesque and gently undulating landscape.
6. The appeal property has two floors of accommodation and is T shaped. The central part of the dwelling has been designed to appear as an agricultural barn, with an oak frame and unstained weatherboarding. The existing dwelling has front and rear projections, which have a lower ridge height than the central part of the building. The front projection is larger than the rear projection.
7. The proposal seeks to provide a two storey rear extension, which would provide a kitchen on the ground floor and a bedroom at first floor level. Two dormers and a roof light are proposed within the roof of the extension.
8. While I appreciate that the appeal property is a replacement dwelling, which is larger than the dwelling it replaced, the proposal before me is for an extension to an existing dwelling. As a result, I have assessed the proposal based on the second part of Policy DM11 of the Bearing Fruits 2031: The Swale Borough Local Plan, adopted July 2017 (the Local Plan). Policy DM11 states that the Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in the rural areas, where they are of an appropriate scale, mass and appearance in relation to the location. Based on the evidence before me, it does not appear that the existing dwelling has been extended since it was first constructed.
9. The proposed two storey extension would be set in slightly from the existing side building line and would have a lower ridge height than the existing dwelling. The proposed extension would increase the floorspace of the existing dwelling by approximately 25%, which is well within the limits set out within the Council's Designing an Extension – A Guide for Householders Supplementary Planning Guidance (the SPG) and would result in an extension of an appropriate scale and massing. As a result, I find that the proposed extension would appear subservient in relation to the host dwelling. Given that the proposed design and materials would match the existing dwelling, I find that the proposal would integrate well with the host dwelling.
10. Views of the proposed extension would be available from the public right of way and from the surrounding landscape. Given the high quality design and the subservient nature of the extension, I find that the proposal would not be harmful to the landscape and scenic beauty of the AONB.
11. For the reasons given above, I conclude that the proposed development would not harm the character and appearance of the host dwelling, the area and the landscape and scenic beauty of the AONB. The proposal would comply with Policies CP4, DM11, DM14 and DM24 of the Local Plan. These policies among other things require that extensions to existing dwellings in the rural areas are of an appropriate scale, mass and appearance in relation to the location; that development is of high quality design and that development conserves and enhances the special qualities and distinctive character of the AONB. The proposal would also comply with the SPG, which among other things requires that extensions to dwellings within the countryside are of an appropriate scale.

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**Conditions**

12. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. Given the proposed materials are indicated on the plans, an external materials condition is not necessary.

**Conclusion**

13. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

*A James*

INSPECTOR