



Appeal Decision

Site visit made on 16 December 2015

by **H Lock BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2015

Appeal Ref: APP/V2255/D/15/3133082

61 Horsham Lane, Upchurch, SITTINGBOURNE, Kent, ME9 7AP

- 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 Simon Underwood against the decision of Swale Borough Council.
- The application Ref. 15/504259/FULL was refused by notice dated 21 July 2015.
- The development proposed is the demolition of existing storage buildings and erection of new storage space to side of existing dwelling.

Procedural Matter

1. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises 'Addition of dormer windows to existing dwelling and erection of a single storey extension to provide a garage / store. Demolition of existing outbuildings', as stated in Part E of the appeal form and on the Council's decision notice. The Council dealt with the proposal on this basis and so shall I.

Decision

2. The appeal is dismissed insofar as it relates to the erection of a single storey extension to provide a garage/store. The appeal is allowed subject to the revised description and planning permission is granted insofar as it relates to the addition of dormer windows to existing dwelling and demolition of existing outbuildings at 61 Horsham Lane, Upchurch, SITTINGBOURNE, Kent, ME9 7AP, in accordance with the terms of the application, Ref. 15/504259/FULL and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: 1504-01; 1504-02; 1504-03; 1504-04; 1504-05; 1504-10; 1504-12; 1504-13; 1504-14; 1504-15; 1504-16; 1504-17; and 1504-18.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the dwelling and the countryside within which it is set.

Reasons

4. The appeal property is in rural location outside of the main village, and in an area of sporadic development. The existing dwelling is set back from the road in an elevated position, and views of the property are restricted by roadside planting. A number of outbuildings in varying states of repair are dotted around the driveway, some of which are to be demolished. There is a significant difference in the ground level of the house and the outbuildings, which sit on lower ground. The parties confirm that the original dwelling has been extended.
5. For the purposes of planning policy set out in the Swale Borough Local Plan 2008 (LP), the dwelling is within the countryside, where LP Policy E6 limits development to that such as the modest extension of a dwelling in accordance with Policy RC4. LP Policy RC4 does not define 'modest', but confirms that an assessment will include previous additions undertaken, and that the proposal must be of an appropriate scale, mass, and appearance to the location.
6. The Council's policies are supported by supplementary planning guidance in its published document, 'Designing an Extension – A Guide for Householders'. Although it is a guidance document only, it assists in the interpretation of the Council's adopted policies. In particular, paragraph 3.3 advises that in the countryside an increase of more than 60% of a property's original floor space will normally be resisted. The guidance does not distinguish between habitable and non-habitable floor space, noting that policies for rural areas are designed to maintain their attractive character.
7. The Council's officer report indicates that the dwelling has cumulatively been extended in excess of the 60% guideline. I note the appellant's view that the Council's assessment of the proposal has been too subjective, but as a matter of fact and degree, the proposed extension would significantly increase the width of the building. I consider that the cumulative increase above the original dwelling would be excessive and disproportionate, and that the proposal would have a material impact on the character and appearance of the dwelling in this rural area.
8. I acknowledge that there is extensive planting to the roadside boundary, but due to the proposed height and the bulk of the roof form, and the local topography, the proposal would be glimpsed from outside of the site. The perception would be of a material increase in the scale and mass of the building, and the proposal would be out of keeping with the proportions of the original dwelling. The proposed use of the extension for vehicle parking and storage as opposed to habitable floor space would not alter its physical impact on the dwelling or the countryside setting.
9. I note the appellant's view that a detached outbuilding of larger footprint could be constructed as Permitted Development¹ (PD), but that its design would be

¹ By virtue of the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015

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less attractive. Whether or not such a building would be PD is for determination by other procedures, and no Certificate of Lawfulness has been issued for such a development. However, I am not convinced that the increased width of the indicated PD building would be more harmful than the wide addition proposed in this appeal. However, as indicated, a PD building would be significantly lower in height and with a less dominant roof form than the appeal extension.

10. The proposal includes the demolition of existing buildings at the site. Although they are larger in floor area than proposed, they are all of much more modest scale. Combining similar floor space into a single structure over two levels would appear much bulkier. Their replacement to provide flood-resistant storage could be provided in a far less intrusive manner.
11. The council's decision notice includes reference to dormer windows to the main house. The principle of a 2½-storey dwelling is already found in the vicinity, with dormer windows to the property opposite the site. Part of the roof space of the appeal dwelling is already served by front and rear roof lights. Although I acknowledge that the proposed additions would further extend the building in conflict with LP Policy RC4, I do not find that these additions would create additional bulk that would be harmful to the character or appearance of the dwelling or the wider countryside. They would accord with the principles of a 'modest' addition.
12. I therefore conclude that the proposed side extension would be harmful to the character and appearance of the appeal property and the wider countryside, contrary to the aims of LP Policies E6 and RC4; with LP Policy E1, which requires all development proposals to protect and enhance the natural and built environments, to be well sited and of a scale, design and appearance that is appropriate to the location; and with the design aims of LP Policy E19, which requires development that is appropriate to its context in respect of scale, height and massing, in relation to its surroundings, and its individual details.
13. However, I find no such harm in respect of the proposed front and rear dormer windows to the roof space of the existing dwelling, or the demolition of the existing outbuildings. As they are clearly severable from the side extension, and both physically and functionally independent, I propose to issue a split decision.

Conditions

14. In addition to the standard time limit I consider it appropriate to control materials, to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. For the avoidance of doubt and in the interests of proper planning I also impose a condition specifying the approved plans.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Hilary Lock

INSPECTOR