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## Appeal Decision

Site visit made on 7 November 2018

by **Mr Kim Bennett DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 November 2018**

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**Appeal Ref: APP/V2255/D/18/3207386**

**141 Ufton Lane, Sittingbourne ME10 1HJ**

- 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 Plumb against the decision of Swale Borough Council.
  - The application Ref 18/500656/FULL, dated 2 February 2018, was refused by notice dated 30 April 2018.
  - The development proposed is the demolition of existing garage and erection of proposed annexe
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of proposed annexe at 141 Ufton Lane, Sittingbourne ME10 1HJ, in accordance with the terms of the application, Ref 18/500656/FULL, dated 2 February 2018, 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: SI/17/154.02Rev A; SI/17/154.03 Rev A and SI/17/154.04 Rev A.
  - 3) The materials to be used in the construction of the external surfaces of the annexe hereby permitted shall match those listed on the application form.
  - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and /or incidental to the residential use of the dwelling known as 141 Ufton Lane.

### Main Issue

2. The main issue is the effect of the proposal on the character, appearance and visual amenities of the area.

### Reasons

3. The appeal property comprises a detached house located on the western side of Ufton Lane. It has a long rear garden, at the end of which is a large garage which spans the full width of the garden. The garage has space for the parking of two cars in front of it which were in use at the time of my visit. Access to the garage is via a private access road from Homewood Avenue, which also

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- serves a large number of lock up garages. The adjoining properties on either side also have long rear gardens.
4. Although officers recommended that permission be granted for the proposed development, permission was refused following consideration at the Councils Planning Committee on 26 April 2018. The minutes of that meeting show that although a number of matters were discussed, the Council eventually refused permission for a single ground, namely that the development would damage the visual amenity of nearby properties.
  5. Part of the Council's concerns appear to relate to a previous proposal for a detached house on the current appeal site which was dismissed at appeal in 2015<sup>1</sup>. The full details of that are not before me and I have reached my findings below based on the merits of this particular proposal. However, I note that one of the key concerns of the Inspector at that time, was that the use of the back garden as an independent dwelling and the physical sub division of the plot, would intensify the activity of the back garden and would be out of character with the area.
  6. With regard to the current proposal, it would be similar in width to the current garage but would be deeper in depth. It would have a shallow pitched roof to a ridge height of 3.9 metres with a rear gable fronting the garage court. In that respect it would appear similar to the adjoining rear outbuilding at No 143 Ufton Lane which also has a gable pitched roof. The adjacent building on the opposite side, No 139 Ufton lane, also has an outbuilding adjoining the existing garage on the appeal site, albeit smaller in size. Additionally, I noted a sizeable outbuilding at the rear of No 145 Ufton Lane and further outbuildings also backing on to the garage court and in similar locations at the end of rear gardens. The proposals include the provision of a 2 metre high close boarded fence and gates in front of the building, and in that respect would be similar in character to the boundary treatment to either side.
  7. Drawing the above together, in terms of impact upon visual amenity, the proposed annexe, although large, would not appear dissimilar or out of character visually with other outbuildings within the immediate locality. Given the long length of the rear gardens, there would also be no adverse impact arising in terms of overshadowing or overbearing effect.
  8. With regard to the use of the annexe, it is intended to be for ancillary residential accommodation, in this case for parents of one of the appellants, and given the restricted nature of accommodation and lack of any physical sub division within the garden, it would clearly be ancillary to the primary use of the appeal property. Such use could be controlled by a suitable planning condition. In these respects I draw a distinction between the previous proposal for a detached dwelling and consider that the concerns identified by the Inspector at the previous appeal would not be the case in this instance, given the low key nature of the use of the annexe.

#### **Other Matters**

9. Concerns have been raised by local residents regarding the increased use of the access to the garage court. However, the existing garage can and indeed already appears to be used by vehicles in that respect, and I do not consider

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<sup>1</sup> Appeal Reference APP/V2255/W/15/3010736

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the use of the annexe would be significantly different. With regard to parking provision, there would be one space serving the annexe itself and I noted that the existing property has space for two vehicles on the front garden area adjoining Ufton Lane. I consider a combination of both would be adequate.

10. In relation to fire access in an emergency, it seems to me that would either be via the garage court access, as it would have to be for fires in other garages nearby, or via the front of the property itself. The Council did not consider that the use of the annexe would result in loss of privacy or undue noise or disturbance and given its function, I see no reason why it should cause any greater disturbance than adjoining ancillary outbuildings might. I also concur with the Council that outward opening gates would not cause any undue safety issues given the relatively quiet nature of the garage court and clear visibility to either side.

### **Conclusion**

11. Although I can understand residents concerns regarding the future use of the site, given the history of a proposal for an independent dwelling, each proposal needs to be considered on its individual merits and there is no evidence before me to indicate that the use would be other than an ancillary annexe to the main property. A condition would ensure that continues to be the case. I also note that the previous application was submitted by a different owner. Accordingly, on the merits of this case, and for the reasons set out above, there would be no harm to the visual amenities of the area. The proposed development would therefore comply with Policy DM14 of the Council's Local Plan 2017, in that it would be sympathetic and appropriate to its location and there would be no harm to amenity.
12. In addition to a safeguarding condition relating to the use of the annexe, conditions requiring the development to be built in accordance with the approved plans, and for materials to be as specified, are necessary in the interest of certainty and for visual amenity.
13. Accordingly, subject to the above conditions, the appeal is allowed and planning permission granted.

*Kim Bennett*

INSPECTOR