



Appeal Decision

Site visit made on 26 March 2019

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 17 April 2019

Appeal Ref: APP/V2255/D/19/3220418

Friston, Lower Road, Eastchurch, Sheerness, Kent, ME12 4HN.

- 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 Mark Coates against the decision of Swale Borough Council.
 - The application Ref 18/502617/FULL, dated 26 April 2018, was refused by notice dated 29 November 2018.
 - The development proposed is described as demolition of existing conservatory to replace with single storey ground floor extension and first floor alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the property is given as Eastchurch Road, Eastchurch. However, from both the Council's decision notice and from my visit to site I note that it is located in Lower Road, Eastchurch. I have therefore adopted the correct road name in the header above.

Main Issue

3. I consider the main issue in this case to be the effect of the proposed development on the host property and the character and appearance of the area.

Reasons

4. Friston is a modest detached chalet bungalow, previously extended to the rear and side with single storey additions. Immediately to the west is a larger detached chalet bungalow with a pair of semi-detached two-storey cottages to the east. It is located outside the built up area boundary in open countryside.
5. The appellant proposes the erection of a single storey side extension, first floor rear extension and a loft extension including raising the roof.
6. Policy DM11 of The Swale Borough Local Plan – Bearing Fruits 2031 (adopted July 2017) (LP) states that *the Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in rural areas where they are appropriate in scale, mass and appearance in relation to the location.*
7. The Council has also drawn my attention to its Supplementary Planning Guidance – *Designing an Extension – A Guide for Householders* (SPG). At

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paragraph 3.3 it advises that in the countryside scale is of particular importance and policies are therefore designed to maintain the attractive character of rural areas. Accordingly it states that the Council will not normally approve an increase in floorspace of more than 60%. The Council has calculated, and this is not challenged by the appellant, that taking into account previous additions, including the conversion of the roof void, the cumulative increase in floor area, if these further additions were permitted would be about 180%, being some three times more than normally found acceptable.

8. Due to its three dimensional form and overall massing the proposed first floor rear addition, when viewed from the rear and sides would be large, prominent and completely envelop the existing modest chalet.
9. As a result of the proposal the overall height of the extension would not be significantly increased and in this respect it would have limited impact on the street scene. However, although more modest and well articulated, the side extension, where the roof would be a continuation of the main roof, would significantly elongate the principal elevation which in turn would impact on the street scene.
10. I conclude in respect of the main issue that notwithstanding the overall increase in floor area, the proposed development as designed would, by reason of its three dimensional form and massing, be harmful not only to the host property but also the character and appearance of the wider countryside. It would therefore be contrary to LP Policies CP4, DM11, DM14 and DM16 and to the advice in the SPG as they seek to ensure that, amongst other things development is appropriately scaled and reinforces local distinctiveness.

Other Matters

11. The appellant has set out the particular circumstances of the family that justify the need for the proposed first floor accommodation. I acknowledge the health condition of one family member as outlined in the appellant's statement. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health condition of the individual concerned. However, on the basis of the appellant's statement in this regard, I have no doubt that the proposal would be of benefit for the family member. This is a personal circumstance to which I afford weight in favour of the appeal. However, this must still be balanced against other material considerations.
12. I note the proposed use of reclaimed materials that I am sure would help the proposed side extension blend with the existing building. I also appreciate that the Council found the proposal would have little impact on the living conditions of neighbouring occupiers. Further, I believe, as suggested, the development could be undertaken with limited impact on residential amenity. I am also aware that the appellant has endeavoured to address the concerns of the Parish Council. However none of these considerations, either alone or collectively, outweigh my findings on the main issue.

Planning balance and conclusion

13. I acknowledge the health issues associated with one member of the family. This is a matter which weighs in favour of allowing the proposed development. In considering this matter, I have had due regard to the Public Sector Equality

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Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and due to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.

14. In respect of the above, these matters have to be weighed against my conclusion on the main issue which is that the proposal would have a significant adverse impact upon the host property and the character and appearance of the area. In this case, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that significant harm is not caused to the character and appearance of the area. Indeed, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the family member.
15. Consequently, whilst I acknowledge the personal circumstances of the family member, I conclude that this is not a matter which outweighs the significant harm that would be caused by the proposal in respect of my aforementioned conclusion on the main issue. Therefore, and taking into account all other matters raised, the appeal should be dismissed.

Philip Willmer

INSPECTOR