



Appeal Decision

Site visit made on 2 April 2019

by Kenneth Stone BSC Hons DipTP MRTPI

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

Decision date: 15 May 2019

Appeal Ref: APP/V2255/D/19/3220061

Shurland Farm, Shurland Cottage, High Street, Eastchurch, ME12 4BN

- 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 Jason Magenty against the decision of Swale Borough Council.
 - The application Ref 18/504232/FULL, dated 10 August 2018, was refused by notice dated 26 November 2018.
 - The development proposed is the conversion and extension of the garage to provide a pool enclosure and associated facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of the garage to provide a pool enclosure and associated facilities at Shurland Farm, Shurland Cottage, High Street, Eastchurch, ME12 4BN in accordance with the terms of the application, Ref 18/504232/FULL, dated 10 August 2018, subject to the conditions contained in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the effect on the setting of the scheduled monument Shurland house, the Grade II* listed building known as The ruins of Shurland Hall or Castle and the Grade II listed building known as The Garden Walls of Shurland Hall or Castle.

Reasons

3. Shurland Cottage is a modern two storey detached house set in its own plot the boundaries of which are contained by a mix of low brick walls, hedging and open fencing. The plot also contains a detached pitched roof garage at the closest edge to the heritage assets of Shurland Hall, the scheduled monument, hall and ruins and the surrounding garden walls.
4. The cottage is located in the open countryside and beyond Shurland Hall complex, the area is characterised by rolling agricultural fields.
5. In the context of the heritage assets they derive their significance from the architectural, historical and archaeological interest which they possess. The house dates from the early 16th century and is an example of a great house as an outstanding example of its class. Detailed drawings of the site are held in

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Appeal Decision APP/V2255/D/19/3220061

- the Public Records Office and these can assist in interpreting and understanding the significance and composition of the site with standing and buried remains surviving well.
6. The appeal site is within the setting of all these heritage assets and is now part of the way in which their surroundings have recently evolved. It is however a recent intervention that does not contribute to the significance of the assets it is at best a neutral feature but could be seen to be a negative contribution.
 7. The listed walls contain the existing Shurland Hall remains and are the closest element of the heritage assets to the appeal site but these already sit close to the walls and garage of Shurland Cottage and the proposed extension would be beyond these.
 8. The existing Shurland Cottage is a new development that has no historic or heritage significance and does not contribute to the understanding or significance of the adjoining heritage assets.
 9. The proposed addition would be set within the plot of Shurland cottage would be located between the existing house and detached garage and within the walled section of its curtilage. It would be read as part of that new development and would not extend that development towards the heritage assets. The low scale and flat roof form of the extension would reduce its visibility and in context would not be seen as anything more than an addition to an existing modern intrusion. The development would not overwhelm or substantially add to that development and would only increase the floor space by approximately 27%. Whilst the Council seek to assess the increase against the previous development on the site that is a flawed approach as the existing development has permission and is in place. It is therefore in the context of the existing situation that an assessment of the impact must be made.
 10. Given the constrained nature of the proposed works, the separation caused by the cottage's boundary walls and garage I am satisfied that the proposed development would have little impact or influence on the significance of the heritage assets over and above the impact that already arises from the presence of the cottage and the ancillary buildings within its plot.
 11. The cottage and its plot already exert a neutral/negative effect on the setting of these assets given its proximity, design and form. However, this would be little altered by the proposed development.
 12. In the context of the wider effect on the character of the area and the open countryside beyond, the proposed extension would be a modest addition to the existing dwelling. The site is prominently located on rising ground close to the crest of the slope. However there are few public locations close by from where this can be viewed. The proposed addition would not be readily visible and would be seen against the backdrop of a relatively modern detached house and within the context of its plot and out buildings. With the surrounding boundary features the direct views, if such were available, would be broken up and there would be little effect on the wider open countryside. The plot would be viewed as a whole and part of a developed site in the open countryside as it is now.
 13. For the reasons given above I conclude that the proposed development would not result in any material harm to the character and appearance of the surrounding area, including to the setting of the scheduled monument Shurland

<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/V2255/D/19/3220061

house, the Grade II* listed building known as The ruins of Shurland Hall or Castle and the Grade II listed building known as The Garden Walls of Shurland Hall or Castle. Consequently the proposal would not conflict with policies CP4, DM11, DM14, DM32 and DM34 of the adopted 'Bearing Fruits 2031: The Swale Borough Local Plan 2017 which together, in this case, seek high quality design of an appropriate scale that preserves the special architectural or historic interest, and setting and any features of special architectural or historic interest which the listed buildings possess and require that development does not harm the scheduled monument or its setting. This is consistent with the national advice in the National Planning Policy Framework.

Overall conclusion and conditions

14. The Council have suggested a number of conditions which I have considered in the light of the advice in the Planning Practice Guidance (PPG). A condition on the approved plans is required for the avoidance of doubt and to ensure a high-quality development. The scheme was amended during its consideration by the Council and I have considered the proposal on the basis of the amended scheme which was that determined by the Council. Those plans which retain elements of the original scheme which included the extended garage have not been included in the approved plans list to ensure there is no confusion.
15. An archaeological work programme is required given the proximity to the adjoining sensitive site. While this is a relatively modern development and ground disturbance would have occurred with its development the proposal includes a swimming pool which is likely to require deeper penetration in areas of the site where foundations were not previously laid. There is therefore the potential to disturb previously undisturbed ground.
16. There is an existing tree within the plot of the cottage and reasonably close to the access and excavation works. Conditions to protect and ensure good arboricultural practice are therefore required. Conditions in terms of requirements to provide details of materials, window and door details and junction details are required to ensure a high-quality development in the interests of the appearance of the development given its proximity to the listed buildings and scheduled monument.
17. Conditions 3 and 5 are pre-commencement conditions and the appellant has confirmed that they have no objection to these conditions. They are required to ensure the actions are undertaken at an appropriate stage at the start of development to secure the identified interest.
18. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Appeal Decision APP/V2255/D/19/3220061

Schedule of conditions for appeal APP/V2255/D/19/3220061

- 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: Location Plan, 18-03-01, Proposed Elevations 18-03-100B; Proposed side elevation 18-03-101B; Proposed side elevation – showing glazed link section 18-03-102A; Proposed Plans 18-03-103B.
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.
- 4) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.
 - i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural survey and Impact Report (report ref: 1718) dated 10/09/2018, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.
 - ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority. iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Report (report ref: 1718) dated 10/09/2018.
- 5) No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes and provide a working methodology for supervision during each stage of the development. It should also detail the proposed replacement of the Poplar tree subject to TPO 10 of 1999 (numbered as T02 on the submitted Arb survey report)
- 6) No development beyond the construction of foundations shall take place until a sample panel of the wall cladding material(s) to be used on the development have been submitted to, and subsequently approved in writing by the LPA, and works shall be implemented in accordance with the approved details.

<https://www.gov.uk/planning-inspectorate>

4

Appeal Decision APP/V2255/D/19/3220061

- 7) No development beyond the construction of foundations shall take place until manufacturer/supplier's brochure and specification sheet(s) of the specific window and door product(s)/system(s) to be used have been submitted to, and subsequently approved in writing by the LPA and works shall be implemented in accordance with the approved details.
- 8) No development beyond the construction of foundations shall take place until a 1:1 or 1:2 scale vertical section of the junction between the wall and roof plane of the link extension (between the existing house and garage) has been submitted to, and subsequently approved in writing by the LPA and works shall be carried out in accordance with the approved details.

END.