

PLANNING COMMITTEE – 13 JANUARY 2022**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 21/505854/FULL		
APPLICATION PROPOSAL Demolition of existing single storey extensions and erection of a two storey rear/side extension, including single storey conservatory to rear and alterations to existing patio and retaining wall.		
ADDRESS 99 The Street Newnham Sittingbourne Kent ME9 0LW		
RECOMMENDATION - Refuse		
REASON FOR REFERRAL TO COMMITTEE Parish Council supports the application.		
WARD East Downs	PARISH/TOWN COUNCIL Newnham	APPLICANT Mrs Lawson AGENT Country House Homes Ltd.
DECISION DUE DATE 29/12/21	PUBLICITY EXPIRY DATE 09/12/21	

Planning History

19/503401/FULL

Erection of a detached dwelling.

Refused Decision Date: 15.08.2019

Appeal dismissed Decision Date: 06.08.2020

SW/13/1210

Proposed single storey rear extension to create garden room (orangery)

Refused Decision Date: 19.11.2013

Appeal dismissed in so far as it relates to single storey rear extension and allowed insofar as it relates to a new door and porch and sunken patio. Decision date 12.03.2014

SW/96/0718

Construction of new garage to replace existing garage and sheds

Approved Decision Date: 12.08.1996

SW/79/0867

Erection of double garage

Approved Decision Date: 24.08.1979

SW/79/0533

Extension forming bedroom at ground floor level new balcony and additional bathroom window and glazed doors

Approved Decision Date: 13.07.1979

SW/76/0828

Alterations to elevations

Approved Decision Date: 20.09.1976

SW/75/1059

Alterations and extension to house and erection of garage

Approved Decision Date: 30.03.1976

1. DESCRIPTION OF SITE

- 1.1 No.99 The Street is a small two storey 3-bedroom cottage that has been extended to the side and rear at ground floor level. This property is located outside the Local Plan defined built-up area boundary of Newnham, but within the Kent Downs Area of Outstanding Natural Beauty (AONB) and within the Doddington and Newnham conservation area. It occupies a prominent position fronting The Street, a highway designated as a protected rural lane in the Council's adopted Local Plan.
- 1.2 Historic maps show that the original flint clad cottage dates back from at least 1864. The original two storey property has undergone several phases of extensions and alterations over the years; these have resulted in several side and rear single storey additions being present now. Nevertheless, the property retains an attractive traditional appearance and is considered to be an undesignated heritage asset that lies within a conservation area. Its special features and historic significance make it a strong candidate for local heritage listing. The listing criteria for the Local Heritage List has now been through the required public consultation and has been recommended by the cabinet for adoption.
- 1.3 The property sits close to the roadside and has a very large garden to the rear. There is a detached garage to the side and a long driveway providing off-road parking for several cars. There is predominately open countryside surrounding the site to the south and west. Across the road is Sharsted Wood which is designated as an ancient woodland. A Grade II listed dwelling known as Foxwood End lies about 25m to the east.
- 1.4 The site has a long planning history, but the most relevant planning application is that submitted in 2013, under planning reference SW/13/1210 for a single storey rear extension to create a garden room. This application was refused and then dismissed at appeal under reference APP/V2255/D/14/22112326. The appeal Inspector concluded that the proposed rear extension would be highly visible when approaching from the west along the Street and would appear discordant within the streetscene, thus being harmful to the character and appearance of the conservation area and AONB, as noted below:

5. The Conservation Area includes parts of the villages of Newnham and Doddington and a large area of land between the two. In the vicinity of the appeal site, the Area covers a row of dwellings along one side of The Street of varied sizes and architectural styles. Located at the end of the row towards the village edge, No.99 is a small two storey flint-clad cottage with more recent single storey additions to either side and to the rear.

6. The proposed front porch would be a modest addition to the existing building, which would not be unduly prominent or incongruous. The patio would not add any built development above ground level and similarly would not be a prominent addition to the appeal building. Accordingly, I agree with the Council that these elements of the proposal

would not be harmful and would preserve the character and appearance of this part of the Conservation Area and would not harm the AONB.

7. The existing single storey extension wraps around the original cottage. While it significantly changes the character and appearance of the original building, it is symmetrical with a consistent building line across the rear. There is no glazing included in the roof at either first or second storey. The proposed rear extension would upset this symmetry through its protrusion to one side and the formation of a more complex roof structure. Moreover, the extensive glazing, particularly the prominent rooflights, would be uncharacteristic against the existing tiled roof and simple window pattern. Despite the existing extension, these effects would be visually associated with the original cottage, which makes a positive contribution to the Conservation area, and would harm its character and appearance.

8. From the open land and large garden to the rear, views of the extension would be reduced due to it being on a lower ground level. However, the unbalancing effects described above would be apparent as would the rooflights. The extension would be highly visible in side profile approaching from the west along The Street. The garden to this side of the house is open with a low boundary frontage and there is no adjacent property to screen views. The protrusion to the rear and the extent of the glazing would be particularly noticeable and would appear as discordant features within the street scene.

- 1.5 The most recent planning application for the site is that refused in 2019 under planning reference 19/503401/FULL for the erection of a detached dwelling on land to the rear of the property. In dismissing the subsequent appeal (APP/V2255/W/3246406), the appeal Inspector referred to the effect of the proposal upon the character and appearance of the conservation area and nearby listed buildings as follows:

10. The existing development along this part of The Street is one of predominately modest sized two-storey detached, semi-detached and terraced properties. The proposed dwelling would be substantially larger by comparison and, therefore, would not be in keeping with the scale of those properties that characterise the rural village of Newham. The proposed dwelling's large size, articulation of fenestration and overall appearance would be visible from the CA given its elevated position within the site...

11. East of the appeal site, and just beyond its boundary, is the Grade II listed building known as Foxwood End. The existing modest road frontage development along The Street within this rural village forms the setting of this listed building and its significance. An uncharacteristically large dwelling situated in a location out of keeping within the context of the locality would be harmful to the setting of this listed building.

2. PROPOSAL

- 2.1 The current proposal is to retain the original two storey flint cottage (jutting forward) and replace the existing single storey extensions with a two-storey side extension on both sides that extends beyond the rear wall of the original cottage, with a single storey conservatory attached at the rear of the extension. The flint cottage as originally built had a floorspace of 40m². The single storey extensions that have been approved since 1975 have added approximately 50m² to create a dwelling of 90m². The total floorspace to be created by the

extensions now proposed is substantially more at 129m² which would represent a total enlargement of 222% – see table below.

- 2.2 The two storey side extensions will be set 4.8m back from the front wall of the cottage and project 3.3m sideways, forming a L shape at the rear. The side extension on the northeast facing end (facing Foxwood End) would have a depth of 6.0m and wrap around the rear wall of the cottage with a maximum width of 7.5m. The other side extension on the northwest facing end (facing the driveway) would have a depth of 3.1m. The two-storey side and rear extensions will be finished in flint and brick detailing to match the original cottage with white sash windows and a butterfly roof that is set lower than the ridge height of the main roof.
- 2.3 The lean-to white painted timber conservatory will measure approximately 4.0m wide x 3.0m deep and be attached to the rear of the two-storey rear extension.
- 2.4 The front entrance door will be re-positioned to the side facing the driveway. The other side elevation will have a new brick chimney stack formed in Flemish bond, capped with a clay pot.
- 2.5 The proposal would provide additional living space. On the ground floor, the layout would be reconfigured, and a study created within the original part of the cottage. At first floor, there would be four double bedrooms with an ensuite and a family bathroom.
- 2.6 The application is supported by several reports including a Design and Access Statement, a Heritage Statement, and a Statement regarding Ancient Woodland. From these reports, I draw the following summarised key points:
- 2.7 Design and Access Statement (DAS)
 - The existing house is cramped and has poor thermal efficiency but our clients very much like the village and therefore seek to either replace or enlarge the home to achieve the accommodation that a growing family need.
 - The new extension replicates the detailing of the original cottage and has proportions that are of a lesser scale.
 - The side elevations continue the rhythm of the Georgian detailing and include, to the west façade, a new front door.
 - The east façade has a new brick chimney stack formed in a Flemish bond, capped with a clay pot and framed by narrow sash windows.
 - The rear façade includes a traditional lean-to white painted timber orangery with fluted pilasters to the corner details and cornice corbelling to the eave line.
 - The proposal results in a lesser mass when viewed from the front façade and results in a lesser footprint when viewed on plan.
 - The new addition will be constructed to achieve a 50% carbon reduction.
 - The current property has an external footprint of 89.7m². The proposed extension reduces the external footprint to 88.5m².

- The gross internal area of the existing dwelling is 93m² compared to the proposed dwelling which is 130m².
- The proposed extension is subservient to the original dwelling, with the extensions being set back from the existing building lines, having a lower eave and ridge heights on all facades, and utilising similar materials to match the buildings character.
- We have consulted with the Kent Downs AONB Planning Team. They advise that the proposal will not have any detrimental harm on the Kent Downs AONB.

2.8 Heritage Statement

- The design of the proposed extension incorporates the use of traditional materials that match the facades of the original building which is also utilised on many of the buildings within the conservation area including Park House, the listed building to the west.
- The two-storey nature of the extension is also more in-keeping with the surrounding area and the similarities with Park House are evident.
- The historical value of the immediate vicinity will not be harmed by the proposed development and is a significant improvement on the existing arrangement that is a detractor to the quality of the original cottage and conservation area.

2.9 Statement regarding Ancient Woodland

- The site lies directly opposite Sharsted Wood.
- The proposed development is entirely self-contained within the residential curtilage of the property and would not encroach on the ancient woodland.
- There would be no direct harm caused by the proposal due to the separation distance and positioning of the public highway.
- It is accepted that dust generated during the construction period could transfer towards the ancient woodland with the assistance of a southerly wind, however this matter can be safeguarded by planning conditions, such as a Construction Method Statement.

2.10 The applicant initially sought pre-application advice to demolish the cottage and replace it with a larger two storey building in the same position. She was advised that although the property is not historically designated as of special interest, and not listed as such, it does lie within a conservation area, and it is an attractive cottage of a locally distinctive type. Therefore, it was very unlikely that the Council would support the demolition of this non-designated heritage asset which makes a positive contribution to the character and appearance of the conservation area.

2.11 Following on from that, the applicant sought pre-application advice to retain the original two storey flint cottage and replace the 1980s extension with a two-storey side and rear extension. She was advised that the proposal would result in a further increase in floorspace significantly above the 60% guideline and as such would seriously affect the scale of the

cottage in a manner which would harm the character of the property and its surroundings. More importantly, my advice was that the two-storey part should not extend further to the rear than the rear wall of the proposed third bedroom, and any single storey part beyond that line should be far smaller than what was being proposed.

3. SUMMARY INFORMATION

	Original Cottage	Existing Cottage (SW/79/0533 & SW/75/1059)	Proposed Extensions (21/505854/FULL)
Total floorspace (m ²)	40	90	129
Total % increase in floorspace	-	125	222

4. PLANNING CONSTRAINTS

4.1 Area of Outstanding Natural Beauty KENT DOWNS

Potential Archaeological Importance

Conservation Area Doddington and Newnham

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF): Paragraphs 176; 203 and 206.

Paragraph 176 requires that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

5.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST3 The Swale Settlement strategy

Policy CP4 Requiring good design

Policy CP8 Conserving and enhancing the historic environment

Policy DM7 Vehicle Parking

Policy DM11 Extensions to, and replacement of, dwellings in the rural area

Policy DM14 General Development Criteria

Policy DM16 Alterations and extensions

Policy DM24 Conserving and enhancing valued landscapes

Policy DM26 Rural lanes

Policy DM32 Development involving listed buildings

Policy DM33 Development affecting a conservation area

5.3 Policy ST3 of Bearing Fruits 2031: Swale Borough Local Plan 2017 states:

“At locations in the countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.”

5.4 Policy DM11 deals with extensions to dwellings in the rural area. This 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.”

The relevant sections of the supporting text to this policy are as follows:

“... The Council is concerned that large extensions or replacement dwellings can harm the character of the rural area. For these reasons, and where planning permission is required, Policy DM11 seeks to control the extensions to, and replacement of, dwellings in the rural areas. The Council’s existing Supplementary Planning Guidance Designing an Extension: A Guide for Householders is a material consideration to the determination of some proposals. Planning permission will only be granted in cases proposing modest extensions (taking into account any previous additions undertaken) of an appropriate scale, mass and appearance to the location.”

5.5 Policy DM24 seeks to prevent the AONB from harmful development, stating that

“The value, character, amenity and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. *The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 1. *conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
 2. *furthering the delivery of the AONB’s Management Plan, having regard to its supporting guidance documents;*

3. *minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
4. *being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.”*

- 5.6 Paragraph 3.1 of Supplementary Planning Guidance (SPG) entitled ‘Designing an Extension – A Guide for Householders’ states:

“Traditionally, extensions to buildings are smaller and less significant than the main building. Over-large extensions can destroy the appearance of the house and have a serious effect upon the area as a whole.”

Paragraph 3.3 of the SPG states that:

“In the countryside, scale is of particular importance. In rural areas, policies are designed to maintain their attractive character and the extension of a small cottage to create a large house will normally be resisted. The Council will not normally approve an extension to a dwelling in a rural area if it results in an increase of more than 60% of the property’s original floorspace.”

- 5.7 The Supplementary Planning Guidance (SPG) entitled ‘Conservation Areas’ at paragraph 6.5 states

*“Any new development should preserve or enhance the special character or appearance of a conservation area, whilst allowing the area to remain alive and prosperous. It will be important to see that every new building is designed not as a separate entity, but as part of a larger whole which has a well established character of its own. **A high standard of development therefore will be required for all buildings in conservation areas and for extensions to existing buildings.**”*

- 5.8 Supplementary Planning Guidance (SPG) entitled ‘Parking Standards’ was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. The recommendation for a four-bedroom house in a rural location is 3+ parking spaces.

- 5.9 The Swale Landscape Character and Biodiversity Appraisal (SPD 2011) designates the site within the Doddington and Newnham Dry Valleys. It describes the site as gently sloping landscape with enclosed rolling farmland, extension mature oak and ash woodlands, orchards and arable fields, small scale settlements, and historic parklands. The overall condition of the landscape is rated good, and landscape sensitivity is rated high. The guidelines focus on conserving the landscape.

- 5.10 The relevant principles of the Kent Downs AONB Management Plan are as follows:

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

6. LOCAL REPRESENTATIONS

- 6.1 A site notice was displayed and has since expired but no local representations have been received.

7. CONSULTATIONS

- 7.1 Newnham Parish Council responded as follows:

“Newnham Parish Council supports this application, as it will future proof a family home, bring it up to current building standards and reduce its carbon footprint.”

8. BACKGROUND PAPERS AND PLANS

- 8.1 Application papers and drawings referring to application reference 21/505854/FULL.

9. APPRAISAL

Principle of Development

- 9.1 The application site lies within the open countryside and the AONB, where policies ST3, DM11 and DM24 seek to restrain large scale development in the interests of countryside conservation and sustainability. This property has already been extended to over double its original size by planning permission granted in 1975 (before the Council’s rural restraint policy was adopted), but this has been done in a simply designed modest way that conserves the apparent scale of the cottage.
- 9.2 Policy DM11 does provide for some limited development outside settlements and the accompanying text refers to the Council’s SPG ‘Designing an Extension – A Guide for Householders’ which suggests that modest can be defined up to a 60% increase in floorspace from the original. This policy guidance was published by the Council to address the issue of rural cottages being extended to large dwellings, reducing the supply of smaller, more affordable dwellings in the rural area, and harming the character of the countryside. Therefore, what falls to be considered here is whether the extensions now being proposed are sufficiently modest in scale and form to prevent harm to the character of the cottage, to that of the countryside and to the natural beauty of the AONB.

Impact on the character and appearance of the dwelling, countryside and AONB

- 9.3 This property is fairly close to the roadside with only a small area of intervening garden which is bounded by a low brick wall with timber fencing. It is an attractive simply designed cottage with knapped flint and brick quoining to the two-storey element and white painted brick on the later single storey extensions. Notwithstanding the fact that the dwelling has already been extended over double the 60% current SPG guidance, the original cottage retains its sense of scale and character, with single storey extensions wrapping around tightly to the main block.

- 9.4 Regrettably, I do not consider that the proposed scheme has taken on board the advice given during pre-application discussions. The DAS argues that the proposed extensions are of a good design that replicates the detailing of the original cottage, results in a lesser footprint, and will be built to achieve a 50% carbon reduction over current building regulations. However, I consider that the extensions now proposed will have a transformative effect on the apparent scale and character of the existing cottage, resulting in visual harm to the character and appearance of the countryside, and the natural beauty of the AONB.
- 9.5 Despite the extensions being designed to be subservient to the cottage, with the additions now being proposed, it would result in a building being more than three times the size of the original cottage. In my view that cannot be considered as a modest addition and it would be contrary to the advice given in the SPG. The advice provided at pre-application stage raised this issue, but the application still proposes a significant increase in floorspace above the 60% modesty guideline which, in my view, will seriously affect the apparent scale of the cottage in a manner which would harm the character of the property and its rural surroundings. I am mindful that even a small single storey rear extension was found to be unacceptable, indicating the very sensitive nature of the property and its surroundings.
- 9.6 The NPPF gives great weight to conserving landscape beauty and scenic value in an AONB. This is reflected in policy DM24 of the adopted Local Plan. The DAS at section 13.10 states that the Kent Downs AONB Planning Team does not consider the proposal would harm the AONB given its small scale and use of local construction materials. However, it appears to me, from the email correspondence attached as supporting documentation, that their limited resources mean that they would not wish to comment as a domestic extension does not fall within their remit.

Impact on the character and appearance of the conservation area

- 9.7 As set out above, the two storey additions now being proposed would result in a building being more than three times its original size in terms of floorspace. The proposed additions would be substantially larger than the existing single storey additions which arguably are not intrusive to public views, and would result in a greater bulk, overwhelming the original building and as such would be more visually apparent. Consequently, I believe the proposal would harm the character of this small and attractively designed cottage and that of the wider conservation area.

Residential Amenity

- 9.8 The property is set on a very generous plot and is surrounded by woodland and open countryside. The closest neighbouring property is Foxwood End, a Grade II listed building that is situated some distance away to the east. There is no identifiable harm regarding the impact of the proposals upon the amenity of the occupiers of this neighbouring property. They are sufficiently spaced apart that the proposal would not give rise to any serious overshadowing or loss of light to this adjoining property.

Highways

- 9.9 The existing parking area to the side is of sufficient size to comfortably park three cars. This parking provision would meet the needs of the occupiers of a four-bedroom property in accordance with the recently adopted SPG.

Other Matters

- 9.10 I note the Parish Council offers support for the proposal because it will allow the occupants to remain in their house and will reduce its carbon footprint. However, I do not consider these reasons justify permitting permanent extensions to a rural property that are considered harmful and detrimental to visual amenities, particularly for a site located within a conservation area and an AONB.

10. CONCLUSION

- 10.1 This planning application seeks permission for a substantial side and rear extension to a small dwelling located within the countryside and within a rural conservation area. I believe the alterations will significantly alter the scale and character of the original cottage which would be harmful to its character and to the appearance and amenity of the countryside, being situated within an Area of Outstanding Natural Beauty, and to the character and appearance of the conservation area. I therefore recommend that the application should be refused.

11. RECOMMENDATION - REFUSE for the following reason:

- (1) The proposed extensions would result in a considerable visual increase in bulk and scale, producing an adverse visual impact upon the character of the cottage, the character and appearance of the Doddington and Newnham conservation area, and on the natural beauty of the Kent Downs Area of Outstanding Natural Beauty. As such the proposal is contrary to policies ST3, CP4, DM11, DM16, DM24 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan and the advice given in the Council's Supplementary Planning Guidance entitled 'Designing an Extension – A Guide for Householders' which is a material planning consideration and is referred to as such in paragraph 7.3.28 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan 2017.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

