



Appeal Decision

Site visit made on 25 January 2022

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **11 February 2022**

Appeal Ref: APP/V2255/D/21/3285547
Copper Beeches, The Street, Hartlip ME9 7TG

- 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 S Hughes against the decision of Swale Borough Council.
 - The application Ref 21/502419/FULL, dated 4 May 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described as a new outbuilding to be used as a home gym.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to heritage assets.

Reasons

4. Forming a generous sized plot, the appeal site contains, amongst other aspects, a relatively large property, a single-storey garage and, as I observed on my site visit and as shown on the submitted site plan, a single-storey outbuilding. The detached buildings are all set-back from The Street, situated behind the front garden which includes a driveway and various trees and soft landscaping. The prevalence of green frontages and the relatively loose knit pattern of development in the locality, providing a sense of space between built form and affording some views to the countryside beyond, are notable features which the site reflects and which positively contribute to the open character and verdant appearance of the area. Identified as a non-designated heritage asset, the main property also provides, as is common ground between the main parties, a neutral to positive contribution to the character of the area.
5. The site is located within the Hartlip CA. The submitted CA character appraisal sets out, amongst other things, that the mostly well-spaced buildings, which are well set back from the road, provide the village with its generally loose knit development character. It identifies the green appearance of most of the frontage to The Street as an important landscape feature, that the green

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framework of the village helps create a strong sense of visual cohesion, and that the generous space between and around buildings is also a crucial feature of the area. In addition, the views out from The Street through to the countryside beyond are highlighted as an attractive feature of the village which reinforces the links with the rural surroundings. The significance of the CA stems from these aspects, along with the gaps between buildings and the area's generally uncluttered nature. The Council's Supplementary Planning Guidance, Conservation Areas, also identifies that, amongst other aspects, gaps between buildings are often important elements of the streetscene and the overall character of the conservation area.

6. The proposed single-storey outbuilding would be set back from The Street and soft landscaping, including mature trees and various shrubs, would provide some screening of it from the public realm, particularly when plants are in leaf, as shown in the photographs included in the appellant's appeal statement. I observed on my site visit that while it would therefore not appear as a particularly prominent feature, the proposed development would nevertheless be visible, like the existing buildings on the site, in some public views. With its relatively significant width filling most of the gap between the existing outbuilding and garage, the appeal proposal would create a tight knit line of development that would give the site a cluttered and cramped appearance. It would also block the existing view between the buildings of the countryside beyond.
7. Irrespective of whether its flat roof would reflect other extensions in the locality and despite it not encroaching into or altering the site's green frontage, it would therefore read as an incongruous addition that would harm the character and appearance of the site and the surrounding area. In coming to this view, I have taken into account the size and external materials of the proposed outbuilding, which would provide a domestic gym and is said to have been designed under the permitted development rules which apply to outbuildings, its slight set back from the front of the main property and garage, and that further boundary treatment and soft landscaping could be secured by condition. The positioning of the appeal proposal adjacent to the garage rather than in the open area at the rear of the site – which is partly visible from the nearby junction – or to the front of the main property does also not lead me to a different conclusion.
8. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to heritage assets. I therefore find that it conflicts with Policies CP4, DM14 and DM33 of Bearing Fruits 2031, the Swale Borough Local Plan (2017). Amongst other aspects, these require development to retain and enhance features which contribute to local character and distinctiveness, reflect the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets, and preserve or enhance all features that contribute positively to the special character or appearance of the CA.
9. It has been put to me that the development would comply with Policy DM11 of the Swale Borough Local Plan. However, as the policy relates to extensions to, and replacement of, dwellings in the rural area rather than to new outbuildings such as the appeal proposal, it has not been determinative in my decision.

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10. As the harm I have identified would be relatively localised, it would – in the words of the National Planning Policy Framework (Framework) – represent less than substantial harm to the significance of the CA. However, this still constitutes harm, and in such circumstances, the Framework indicates that the less than substantial harm should be weighed against the public benefits. However, no public benefits have been put forward to weigh against the harm, nor do I find any exist that would outweigh the great weight given to the conservation of the designated heritage asset. On a balanced judgement, taking into account the scale of the harm and the significance of the property, I find that the appeal proposal would also result in unacceptable and unjustified harm to the non-designated heritage asset. That the property is not a listed building and there are no listed buildings adjoining the site do not lead me to a different conclusion.

Planning Balance

11. The Council has not alleged that the proposed development would harm the living conditions of adjoining occupiers. It has been put to me that the appeal proposal would be finished internally and externally to an extremely high standard and that the proposed outbuilding, as set out in the Design and Access Statement, has been positioned to avoid the open area at the rear of the site being cluttered with random buildings. Nevertheless, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

12. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR