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## Appeal Decision

Site visit made on 22 March 2023

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> April 2023

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**Appeal Ref: APP/V2255/D/22/3311774**

**Halfacre House, Lynsted Lane, Lynsted, Kent ME9 0EN**

- 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 Mrs Barbara Pelou against the decision of Swale Borough Council.
  - The application ref. 22/503371/FULL, dated 7 July 2022, was refused by notice dated 7 September 2022.
  - The proposed development is for a two storey extension to an existing annex building, enlarging the annex accommodation for use in connection with the main dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to an existing annex building, enlarging the annex accommodation for use in connection with the main dwelling at Halfacre House, Lynsted Lane, Lynsted, Sittingbourne ME9 0EN in accordance with the terms of the application ref. 22/503371/FULL, 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: 3174\_PL\_02, 3174\_PL\_03, 3174\_PL\_04.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing annex building.
  - 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Halfacre House, Lynsted Lane, Lynsted, Sittingbourne ME9 0EN.

### Main Issues

2. The main issues are:
  - whether the proposal would constitute a separate dwelling or would be capable of being used as such; and
  - the effect of the development on the character and appearance of the existing building and surrounding area.

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### **Reasons**

#### *Separate dwelling*

3. The appeal site relates to a two-storey detached house with detached annex building on Lynsted Lane in a rural area.
4. I note the Council's concerns that the resultant annex building could potentially be used as a self-contained unit that has no functional connection to the main house, and would therefore represent a new dwelling in the countryside. However, I saw at my visit that the existing accommodation within the annex already has the trappings of independent living, with a lounge, kitchen, bedroom and bathroom, yet there is no suggestion that the existing annex represents a new dwelling. I also observed that the annex and principal residence share the driveway and garden areas. Additionally, the appellant has clearly stated that the extended annex would not be used in isolation or as an independent residential unit.
5. Taking all this into account, I am of the view that matter of functional use can be satisfactorily addressed through the imposition of a condition to ensure that the accommodation is used only as ancillary to Halfacre House.
6. On this basis, the proposal would not be an independent unit of accommodation and there would be no conflict with Policies DM14, DM16 and DM24 in Bearing Fruits 2031 – The Swale Borough Local Plan, adopted July 2017 (LP), which seek to prevent new dwellings in the countryside to protect rural locations and landscapes.

#### *Character and appearance*

7. The height of the extension would continue the ridge line of the existing annex, and the front and rear elevations would be flush with the host building. Although the scheme would therefore lack subservience, the creation of the central gable features would serve to articulate the original structure from the proposed addition. These would add interest to the development, with new pitched dormer windows to match those in the existing roof slopes.
8. Consequently, I am of the view that the proposal would visually connect with the overall appearance of the existing structure without dominating it, and also respond to its design characteristics. It would be appropriately sited in relation to the building and unobtrusive when seen in combination with its overall form and scale.
9. I therefore conclude that the proposal would harmonise with the character and appearance of the existing building and surrounding area. It would meet Policy DM14 of the LP and the adopted Swale Borough Council Designing an Extension: A Guide for Householders SPD February 2011, which seek to secure development of acceptable scale and appearance.

### **Conditions**

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Additionally materials are required to match the existing building in order to ensure that the external appearance of the proposal is satisfactory. A further

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condition would ensure that the accommodation is used only as ancillary to Halfacre House.

**Conclusion**

11. On the basis of my reasoning above, the appeal is allowed.

*C Hall*

INSPECTOR