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## Appeal Decision

Site visit made on 19 January 2024

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

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**Appeal Ref: APP/V2255/D/23/3328694**

**Temple Lodge, Frangbury, Doddington, Kent ME9 ONX**

- 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 Attwood (K D Attwood and Partners) against the decision of Swale Borough Council.
  - The application Ref 23/502589/FULL, dated 5 June 2023, was refused by notice dated 31 July 2023.
  - The development proposed is the erection of a single storey rear extension and the installation of 2 conservation roof lights to the front and rear roof slopes (4 in total).
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and the installation of 2 conservation roof lights to the front and rear roof slopes (4 in total), at Temple Lodge, Frangbury, Doddington, Kent ME9 ONX in accordance with the terms of the application, Ref 23/502589/FULL, dated 5 June 2023, 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: 23\_14-PL-10; 23\_14-PL-12 and CR\_CRCS\_LS\_C Revision C.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Prior to the installation of the rooflights hereby permitted, details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the rooflights shall be installed in accordance with the approved details.

### Procedural Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. There are no material changes relevant to the substance of this appeal and therefore I am satisfied that the parties will not be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.

### Background and Main Issues

3. The evidence indicates that the proposed single storey extension is of the same design and footprint as an extension granted planning permission by the

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Council, ref. 23/501035/FULL, which remains extant. The Council has not identified any concerns with the proposed extension, and I have no basis to consider differently. Therefore, the main issues in this appeal are the effect of the proposed rooflights on the character and appearance of the host building and area, with particular regard to the location within the Kent Downs Area of Outstanding Natural Beauty (AONB), and whether they would preserve the setting of Solomon's Temple, a Grade II listed building.

### Reasons

#### *Character and appearance, including the AONB.*

4. The appeal building is situated within the Kent Downs AONB. I have not been referred to any formal description of the landscape of the AONB, however I find the character and appearance of the area to be rural, consisting of a patchwork of agricultural fields interspersed by blocks of woodland, on gently undulating land. Built development is largely absent save for small groups of buildings and sparsely distributed buildings, often set close to the narrow rural lanes that wind through the attractive and tranquil rural landscape.
5. The evidence indicates that the appeal building was originally built as a farm building and dates back to the eighteenth and nineteenth centuries. Although altered to function as a dwellinghouse the building has retained the discernible appearance of an authentic traditional barn with a simple form, consistent materials and large tile covered roof. As such, it contributes positively to the rural character and appearance of the area, including the rural lane, and the landscape of the AONB.
6. Set in elevated positions on the roof slopes of the building, the proposed rooflights would be noticeable in views from the rural lane and from nearby properties. They would conflict with the specific guidance in the Council's guidelines<sup>1</sup> ("the guidelines") which state that no openings should be made in the roofs of traditional agricultural buildings. However, the proposed rooflights would be modest in size and limited in number, with frames that could be finished in a dark subdued colour. Arranged in a simple pattern on a horizontal alignment, the proposed rooflights would not dominate or disrupt the form or proportions of the roof, nor would they cause the roof slopes to appear cluttered or overly domestic in appearance.
7. Consequently, the proposed rooflights would not jar with the traditional form and appearance of the building or harmfully erode its authenticity as a former agricultural building. The appeal proposal would therefore accord with principle in the guidelines of retaining the traditional agricultural character of the building. As such, the building's positive contribution to the rural character and appearance of the area, including the rural lane, and the landscape of the AONB, would be preserved.
8. I conclude on this issue that the proposed rooflights would not harm the character and appearance of the host building or area, with particular regard to its location within the AONB. For these reasons the proposed development would be consistent with Policies CP4, DM14, DM16 and DM26 of the Swale Borough Local Plan – Bearing Fruits 2031 (Adopted July 2017) (the LP), insofar as they seek to ensure that development responds positively to the style and

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<sup>1</sup> Swale Borough Council Planning and Development Guidelines No. 3 – The Conservation of Traditional Farm Buildings.

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character of the building being altered, preserves architectural and historic features of interest, and reflects the positive characteristics and features of the site and locality, including avoiding harm to the character of rural lanes.

9. The proposal would also be consistent with Framework Paragraphs 135, 180 and 182, insofar as the proposal would be sympathetic to local character and history, including the surrounding built environment and landscape setting, and would protect the AONB.

#### *Listed building*

10. On the opposite side of the rural lane to the appeal site is the Grade II listed building of Solomon's Temple ("the LB"). This is a modestly sized dwelling constructed from an exposed timber frame under a simple hipped main roof covered in plain tiles. The special heritage interest (significance) of the LB would appear to be derived primarily from its architectural qualities and its materials as an example of a historic building set and appreciated within a relatively spacious and tranquil rural landscape. I am required by s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention, and have regard to, the desirability of preserving the setting of listed buildings.
11. There is intervisibility between the LB and the appeal building, primarily from the rural lane. The proposed rooflights would be seen in the same views as the LB, albeit separated by some distance with the rural lane in between them. However, the proposed rooflights would be modest in size and would not harmfully disrupt the appeal building's roof slopes or alter the scale or form of its roof. The space between the buildings would not be impinged upon. The appeal building's authenticity as a traditional agricultural building would be retained and its contribution to the rural, spacious and tranquil setting of the LB would be preserved. Consequently, the appeal proposal would have a neutral effect on the setting of the LB, thus preserving its setting and the contribution it makes to its significance.
12. For these reasons I conclude that the proposed development would preserve (leave unharmed) the setting of the LB, consistent with the requirements of the Act and Policies DM14, DM16 and DM32 of the LP, insofar as they seek to ensure that development takes account the desirability of sustaining and enhancing the significance of heritage assets, including the preservation of architectural and historic features of interest, and their settings. The proposal would also be consistent with Framework Paragraph 205, which states that great weight should be given to the conservation of a designated heritage asset.

#### **Conditions**

13. In the interests of certainty of the planning permission granted, conditions are imposed to necessarily indicate the time limit for implementation and specify the approved plans. To ensure that the proposed development safeguards the character appearance of the host property and area it is necessary to impose conditions requiring it to be constructed from matching materials.
14. The drawings before me do not show full details of the rooflights and therefore satisfactory details need to be secured by condition. I am not aware of any formal definition for a 'conservation' type rooflight and therefore in the

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interests of precision I have omitted this reference from the suggested condition. However, this would not affect the Council's ability to secure satisfactory details of the rooflights and the description of development refers to 'conservation' rooflights.

**Conclusion**

15. For the reasons given above and having considered all matters raised, I conclude that the proposed development is consistent with policies of the development plan read as a whole. I therefore allow the appeal.

*G Sylvester*

INSPECTOR