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## Appeal Decision

Site visit made on 22 October 2024

by **E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

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### Appeal Ref: **APP/V2255/W/23/3331895**

### Scocles Farm, Scocles Road, Minster-on-Sea, Kent ME12 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Michael Withers (Honey Hill Housing Ltd) against the decision of Swale Borough Council.
  - The application Ref 23/503015/SUB sought approval of details pursuant to conditions No 13,14,15,18,23,24 and 25 of a planning permission Ref 19/504831/FULL, granted on 3 June 2021.
  - The application was refused by notice dated 19 September 2023.
  - The development proposed was the redevelopment of the site for the erection of 11 dwellings, to include the demolition of the existing agricultural buildings (except the Threshing Barn), and dismantling, relocation, rebuilding and conversion of the Threshing Barn to residential use, with associated parking barns, parking, repairs to boundary wall with Scocles Court Manor, landscaping, access road and alterations to existing vehicular access.
  - The details for which approval is sought are: Condition No 15 (Manufacturers' details (including colour brochure and specification) of the windows and doors to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The submitted details shall include the following; a. Depth of reveal b. Window head and cill/sub-cill detailing c. Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass) d. Glazing bar profile(s) e. Door frame / window frame f. Weatherboard and threshold detail (for doors only)) and Condition No 18 (a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks, fencing or any other boundary treatment.)
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### Decision

1. The appeal is dismissed and approval of the details is refused, namely the details of windows and doors in pursuance of condition 15 and details of boundary treatments in pursuance of condition 18 attached to planning permission Ref 19/504831/FULL.

### Preliminary Matters

2. The application sought approval of details pursuant to conditions no 13, 14, 15, 18, 23, 24 and 25 of planning permission Ref 19/504831/FULL. However, the appellant has confirmed that the appeal relates solely to conditions no 15 and 18. Therefore, I have considered the appeal on this basis.

### Main Issues

3. The main issue is the effect of the proposed details in relation to windows and doors (condition 15) and boundary treatments (condition 18) on the character

and appearance of the approved development, surrounding area and the setting of the adjacent grade II listed building.

### Reasons

#### *Condition 15*

4. Planning permission was granted for the erection of 11 dwellings on the appeal site. This was subject to condition 15 which required the submission of manufacturers details (including colour brochure and specification) of the windows and doors to be used in the development including the depth of reveal, the window head and cill/sub-cill detailing, the glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panels of glass), glazing bar profile(s), door frame/window frame and weatherboard and threshold details (for doors only). The condition was included by the Council in the interest of preserving or enhancing the character and appearance of the surrounding area.
5. In order to discharge condition 15, the appellants submitted various documents showing the manufacturers details for the proposed doors and windows to be used on the approved dwellings. This outlined that all windows were to be white, uPVC casement with white glazing bars included where applicable. The proposed doors for plots 1 and 2 are to be 'Neptune' uPVC double-glazed front doors coloured black with chrome door handle and letterbox and 'maze' obscure glazing, plots 3 and 4 are to be 'Luna' uPVC double-glazed front doors coloured red with chrome door handle and letterbox and 'maze' obscure glazing, plot 5 would be a 'meteor' uPVC double-glazed front door coloured lightwood with a chrome door handle and letterbox and 'cameo' obscure glazing and plots 6 to 9 are to be 'meteor' uPVC double-glazed front doors coloured red with a chrome door handle and letterbox and 'prarie' obscure glazing. All units are to have white uPVC sliding patio doors and all doors and windows would be designed to the style of the approved drawings as part of the planning permission.
6. The appeal site is located adjacent to a grade II listed building, Scocles Court. It appears that the significance of this building is derived, at least in part, from the antiquity of its structure and from its status as a well preserved example of a vernacular building of its age and type. The open and rural setting to the front of this building contributes to how this asset is appreciated and this setting makes a positive contribution to the significance of this listed building.
7. The Council's Conservation Officer contends that the proposed doors should be either of sustainably sourced hardwood timber with a traditional painted finish or composite metal and timber with a traditional painted finish. However, from the details provided, the proposed uPVC doors would have the appearance of a traditional painted timber. Therefore, from most views of the development, they would not appear significantly different from a hardwood timber or a composite metal and timber. As such, the materials proposed for the doors would not have a detrimental impact on the character and appearance of the approved development, surrounding area or the setting of the adjacent listed building.
8. However, the Council's Conservation Officer also contends that the proposed uPVC casement windows should have a flush profile. This would result in a more traditional appearance in keeping with the style of development

approved, along with the setting of the surrounding area and the listed building. The appellant agrees with this finding, however amended details of the proposed windows have not been provided as part of this appeal.

9. It is also noted that specific section details have not been provided as required by the condition. The appellant indicates that these have been provided to the Council as part of a separate application to discharge the part of the condition relating to windows only. However, these documents are not before me and the wording of the condition relates to both doors and windows. Therefore, there is insufficient information to discharge condition 15 in line with its wording.
10. Therefore, without sufficient detail to determine otherwise, the proposed details in relation to condition 15 would result in harm to the character and appearance of the approved development, surrounding area and the setting of the adjacent grade II listed building and would conflict with Policies ST1, ST6, CP4, CP8, DM14 and DM32 of the Swale Borough Local Plan (the LP) 2017. These policies collectively seek to ensure that development achieves good design that is appropriate to its surroundings, enriches the qualities of the existing environment by promoting and reinforcing local distinctiveness, respect the integrity of heritage assets, sustaining and enhancing the significance of heritage assets with development proposals affecting the setting of a listed building preserving its special architectural or historic interest.

#### *Condition 18*

11. The original planning permission was also subject to condition 18 which required the submission of a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks, fencing or any other boundary treatment. The condition was included by the Council in the interests of visual and highway amenity.
12. The appellant has provided details stating that on the southern and western boundaries of the site a 1.8 metre high, close board feather edged fence already exists and is to remain, on the eastern boundary of the site a new 1.8 metre high, close board feather edged fence is to be installed and on the northern boundary of the site a new brick wall is to be built, which is also the subject of another condition.
13. The new fencing proposed is to be located at the front of the appeal site, adjacent to a shared space and Scocles Road and therefore would be a highly visible addition within the streetscene. However, it is noted that timber fencing of this scale and design is commonplace within the surrounding area and on Scocles Road. Therefore, such a feature would not be an incongruous addition to the site or result in harm to the character and appearance of the surrounding area. The new section of fencing would also be located some distance from the grade II listed building, Scocles Court, partially screened by the proposed brick wall, and therefore it would have a limited impact on its overall setting. As such, the boundary treatment proposed does not appear out of context with the historic setting of the listed building.
14. Therefore, the proposed details in relation to condition 18 would not harm the character and appearance of the approved development, surrounding area or the setting of the adjacent grade II listed building and would not conflict with

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Policies ST1, ST6, CP4, CP8, DM14 and DM32 of the LP. These policies collectively seek to ensure that development achieves good design that is appropriate to its surroundings, enriches the qualities of the existing environment by promoting and reinforcing local distinctiveness, respect the integrity of heritage assets, sustaining and enhancing the significance of heritage assets with development proposals affecting the setting of a listed building preserving its special architectural or historic interest.

15. However, condition 18 states 'no development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks, fencing or any other boundary treatment have been submitted to and approved in writing by the Local Planning Authority.' During my site visit I noted that construction had begun on the appeal site and development beyond the construction of the foundations was underway. Therefore, as per the wording of condition 18, these details cannot be discharged.

#### **Conclusion**

16. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

*E Grierson*

INSPECTOR