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## Appeal Decision

Site visit made on 17 November 2015

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2015

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**Appeal Ref: APP/V2255/W/15/3010736**  
**141 Ufton Lane, Sittingbourne, Kent ME10 1HJ**

- 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 June Carrington against the decision of Swale Borough Council.
  - The application Ref 14/503659/FULL, dated 29 August 2014, was refused by notice dated 9 January 2015.
  - The development proposed is the erection of a new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

3. The character of this plot and the neighbouring plots along this section of Ufton Lane is of relatively large, close-set, detached houses set on narrow but long plots, with back gardens generally well planted with trees and shrubs and containing sheds and out buildings. Behind the plots is a large compound of lock-up garages the access to which is shared by many of the houses in Ufton Lane, as they have developed garages which are accessed from this compound.
4. The proposed backland development would be at odds with the distinctive pattern of development in this part of Ufton Lane, in particular the back gardens of the houses which appear to be well used for leisure, relaxing and gardening. In this context, the proposal would introduce an uncharacteristic form of development.
5. There is a difference in character between the use of the characteristic garden buildings such as sheds, outhouses and garages in the surrounding plots, and the use of the proposed building as an independent dwelling. The use of the proposed building and garden would intensify the activity in the back gardens which are characterised by their spacious and tranquil nature, and the plot sub-division would detract from the character of long back gardens enclosed at the rear by domestic garden structures, rather than housing.
6. I note that the proposal would replace an existing double garage, and that it has been imaginatively designed to reduce the effects identified above,

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Appeal Decision APP/V2255/W/15/3010736

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including fronting the compound, having direct access, incorporating the first floor into the roof and having a form and detailing sensitive to the vernacular of the rear garages in the surroundings while providing visual interest and design quality in the building. While these factors weigh in favour of the proposal, they do not mitigate the effects of subdivision identified above.

7. I find that the proposal would run against the distinctive urban grain and landscape character of its surroundings, and this would be harmful to the character and appearance of the area, contrary to policies E1 and E19 of the Swale Borough Local Plan 2008 which seek, amongst other things, proposals that are well sited, that reinforce local distinctiveness, strengthen the sense of place, and which respond positively by reflecting the positive characteristics of the locality.
8. It would also conflict with advice in the National Planning Policy Framework 2012 which suggests that development should respond to local character<sup>1</sup> as well as the guidance in the Planning Practice Guidance<sup>2</sup> which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

#### **Other Matters**

9. The appellant states that the Council has not demonstrated a five-year supply of deliverable housing sites, which anticipates a significant boost to housing land supply. In this context the provision of a further dwelling does, modestly weigh in favour of the proposal. However, the site is within the identified settlement boundary, and the development plan policies referred to by the Council relate to the quality of development rather than strictly to the supply of housing. In any event, the proposal does not adequately address the environmental role of sustainable development set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development.
10. I have had regard to other matters raised including loss of privacy, noise and disturbance, parking, highway safety and bats. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

#### **Conclusion**

11. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable harm it would cause to the character and appearance of the area, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework 2012, paragraph 58

<sup>2</sup> Planning Practice Guidance, DCLG 2014 as amended, paragraph 007, ID 26-007-20140306