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## Appeal Decisions

Site visit made on 12 January 2016

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

Decision date: 9<sup>th</sup> February 2016

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### Appeal A Ref: APP/V2255/W/15/3062027

**Land at Cedar Lodge, Whybornes Chase, Minster-on-Sea, Sheppey, Kent, ME12 2HZ**

- 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 Keith French against the decision of Swale Borough Council.
  - The application Ref: SW/14/0516, dated 17 April 2014, was refused by notice dated 9 December 2014.
  - The development proposed is described as 'demolition of existing bungalow and proposed development of two semi-detached dwellings'.
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### Appeal B Ref: APP/V2255/W/15/3062073

**Land at Cedar Lodge, Whybornes Chase, Minster-on-Sea, Sheppey, Kent, ME12 2HZ**

- 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 Keith French against the decision of Swale Borough Council.
  - The application Ref: 14/506851/FULL, dated 29 December 2014, was refused by notice dated 6 May 2015.
  - The development proposed is described as 'demolition of existing bungalow and proposed detached house'.
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### Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission granted for a detached house at land at Cedar Lodge, Whybornes Chase, Minster-on-Sea, Sheppey, Kent, ME12 2HZ, in accordance with the terms of the application, Ref: 14/506851/FULL, dated 29 December 2014, subject to the conditions at Annex 1.

### Main Issue

3. The main issue in both appeals is the effect of the proposals on the character and appearance of the area.

### Reasons

4. Two alternative schemes are before me. Appeal A proposes two semi-detached dwellings, whilst Appeal B proposes a detached single dwelling. The appeal site
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was previously occupied by a bungalow with a generous garden. The bungalow has been demolished, and a new detached house is nearing completion on the northern portion of the site. The southern portion of the site, formerly part of the garden, comprises the area for these proposals. Land levels slope down towards the north, with the adjacent property to the south, 'Santorini', set at a higher level. The site is located in a residential area of varied character and contrasting house designs, of different ages, with a wide range of materials and finishes. There is a mix of bungalows and two storey houses. The road is unmade in this section.

*Appeal A – two dwellings*

5. I appreciate that the appellant has sought to achieve a high quality design. The dwellings would have front gables either end and the roofs would be hipped. To reduce the building's bulk, part of the ground floor accommodation would be provided in a single storey projection. The first floor windows on the rear elevation would serve stairways and bathrooms, and be high level to minimise overlooking to the rear. The proposed palette of materials would include a mix of brick, weatherboarding and render that would provide variety and interest.
6. All that said, I have serious concerns about the scheme. The two semi-detached dwellings, occupying this relatively constrained plot, would appear shoe-horned on to the site. Minimal separation would be provided to the side boundaries, with the dwellings spanning virtually the entire plot. This would result in a cramped and overbearing appearance. The proposed undercroft area to the front elevation, to enable vehicle parking, with an overhanging first floor, would be quite different in appearance from other houses nearby, and appear discordant and visually intrusive in this location.
7. For these reasons, I find that the proposal would harm the character and appearance of the area. It would conflict with Policies E1 and E19 of the Swale Borough Local Plan ('the Local Plan'). Together, these require development proposals to reflect the positive characteristics and features of the site and locality; and to be appropriate in respect of design, scale, height and massing. It would also conflict with Policy H2 which requires, amongst other things, house types and sizes to be appropriate to the location and nature of the site. I reach my conclusion notwithstanding the original Council officer's recommendation.

*Appeal B – one dwelling*

8. The dwelling has been attractively designed to incorporate a mixed palette of materials, including brick, render and weatherboarding finishes. It would incorporate various traditional architectural features, such as a hipped roof and a front gable. In contrast to Appeal A, adequate space would be retained about the building to avoid a cramped appearance, or an unneighbourly effect. Furthermore, no undercroft parking is proposed in this scheme, but an integral garage which would result in a more pleasing visual appearance. I consider the dwelling would be appropriately assimilated in the area without appearing discordant.
9. The first floor windows on the rear elevation would serve stairways and bathrooms, and be high level to minimise overlooking to the rear, thereby

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addressing residents' privacy concerns. No windows are proposed on the flank walls for similar reasons. Ground floor accommodation would be partially provided in a single storey projection to reduce the bulkiness of the building, and lessen the effect on neighbouring properties. Adequate parking spaces within the site means on street parking should be minimised.

10. In contrast to Appeal A, I find that this proposal would not harm the character and appearance of the area, and would comply with Policies E1, E19 and H2 of the Local Plan.

#### **Conditions**

11. I have reviewed the suggested conditions in the light of the Planning Practice Guidance (PPG). A commencement condition is necessary to comply with the relevant legislation. A condition requiring compliance with the submitted plans is necessary for the avoidance of doubt. Conditions relating to external materials and landscaping are necessary to preserve the character of the area. A condition relating to car parking and garaging is necessary to ensure proper provision for such facilities. A condition restricting additional windows and doors is necessary to protect living conditions at neighbouring properties. A condition relating to sustainable building techniques is necessary to ensure that the scheme complies with the Government's sustainable objectives. A condition controlling the hours of building work is necessary to reduce the risk of disturbance to neighbouring properties during the construction stage. Where necessary, I have reworded the suggested conditions for succinctness, to avoid duplication and to accord with the PPG.

#### **Conclusion**

12. In reaching my decision, I have carefully considered residents' concerns, as well as the Parish Council's comments, regarding both schemes. However, in respect of Appeal B, I do not consider the concerns to be sufficiently well founded for the appeal to fail. For the reasons explained above, I conclude that Appeal A should be dismissed, but that Appeal B should be allowed.

*Matthew C J Nunn*

INSPECTOR

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### ***Annex 1 – Schedule of Conditions***

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/2476/100; 13/2476/12E.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The landscaping works, including hard and soft landscaping, shown on the approved plans shall be carried out within 12 months of the completion of the dwelling, or in accordance with a programme agreed by the local planning authority; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.
- 5) The dwelling shall not be occupied until the garage and car parking spaces shown on the approved plans have been provided, and those areas shall thereafter be permanently kept available at all times for the parking of vehicles.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional doors or windows, or other openings, shall be inserted within the side elevations of the dwelling hereby permitted, apart from those authorised by this permission.
- 7) The development shall be carried out in accordance with the sustainable construction measures specified in the Sustainability Statement accompanying the application, unless the local planning authority gives written approval for any variation.
- 8) Demolition or construction works shall not take place outside 0730 hrs to 1800 hrs Mondays to Fridays, 0830 hrs to 1300 hrs on Saturdays, and at no time on Sundays and Bank Holidays.