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## Appeal Decision

Site visit made on 8 March 2016

by **Mrs A Wood DipArch MRTPI**

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

Decision date: 24 March 2016

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**Appeal Ref: APP/V2255/D/15/3139729**

**226 Chequers Road, Minster on Sea, Kent ME12 3SJ**

- 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 and Mrs P Sumner against the decision of Swale Borough Council.
  - The application Ref:15/506335/FULL, dated 4 August 2015, was refused by notice dated 20 October 2015.
  - The development proposed is first floor side extension to dwelling and balcony, amend elevations of conservatory permitted under application SW/15/502989/FULL.
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### Decision

1. The appeal is allowed and planning permission is granted for first floor side extension to dwelling and balcony, amend elevations of conservatory permitted under application SW/15/502989/FULL at 226 Chequers Road, Minster on Sea, Kent ME12 3SJ, in accordance with the terms of the application, Ref: 15/506335/FULL, dated 4 August 2015, subject to the following 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: 539/PL/02, 539/PL/05, 539/PL/06, 539/PL/07, 539B/P/03, and 539B/P/03A.
  - 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) The development hereby permitted shall not be brought into use until a 1.8m high obscure glazed panel is installed on the side boundary on the eastern side of the first floor balcony. The panel shall thereafter be permanently retained as installed.

### Main Issue

2. The main issue is the effect that the proposal would have on the appearance of the existing building and on the character and appearance of the surrounding area.

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### Reasons

3. The appeal property lies in a countryside location and is subject to the restrictive Policy E6 of the Swale Borough Local Plan 2008. The policy aims to protect and, where possible, enhance the quality, character and amenity value of the Borough's wider countryside. To those ends, development in the countryside would only be permitted in the limited circumstances listed in the policy. Modest extensions to buildings already in residential use features in the list. Policy RC4 reiterates that only modest extensions to dwellings in the rural area will be permitted, and such extensions are expected to be of an appropriate scale, mass and appearance to the location.
4. Alterations and extensions to existing buildings are subject to the criteria listed in Policy E24. The list is short but addresses considerations of high quality design, scale, compatibility with surroundings and residential amenity.
5. The Council's Supplementary Planning Guidance (SPG) seeks to restrict extension to a property in the rural area to 60% of its original floorspace. The SPG dates back to 1993, so its relevance in the context of current planning policies is questionable.
6. The National Planning Policy Framework (NPPF) is also concerned with achieving high quality design responding to local character and reflective of the identity of local surroundings and materials. It is in those terms that I am applying the policies mentioned earlier, and Policies E1 (general development criteria) and E19 (achieving high quality design and distinctiveness), rather than the prescriptive approach recommended in an outdated guidance. Though, it must be said that even the SPG allows for flexibility to suit particular circumstances. The emerging Local Plan is currently under consideration and so carries limited weight. In any case, the relevant policies referred to in the evidence are similar to those in the adopted Plan.
7. The proposal would extend the property at first floor level by approximately 4.5m. It would also provide accommodation at ground floor level in place of the conservatory granted permission under application ref: SW/15/502989/FULL. As with the permitted scheme, the appeal proposal would entail demolition of a garage at the front and a single storey extension on the eastern side of the property.
8. The dwelling was originally a small bungalow with a floor area of approximately 75 sqm. It has been the subject of a number of applications since 1985 and now has a floorspace of some 153.5 sqm. The scale of increase of 105% could not by any means be described as modest. With the appeal scheme in place, the dwelling would have grown in size by some 180% over the original. But in itself that should not be held against the scheme, given the circumstances of the building's current appearance and the site context, as I explain below.
9. As it currently stands, the building is a mismatch of flat-roofed extensions to the rear and side, with what appears to be the original bungalow discernible only at the front. Even then, the front is poorly proportioned with a top-heavy roof in which the two existing dormer windows appear out of scale with the remainder of the roof.
10. The appeal scheme would transform the appearance of the building by drawing together disparate forms under a single roof extending over an elongated first

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floor. In my view, the result would be a much more coherent and balanced front elevation, albeit at the expense of further increasing the size of the original bungalow. Consistency of window and door styles and a glass fronted balcony extending across the rear would further unify and upgrade the building's appearance, particularly when viewed from the rear. The scheme would result in a design of high quality but without markedly altering the overall scale of the building or the amount of accommodation to be provided.

11. Looking at impact on the surrounding area. Improvements to the appearance of the existing dwelling would be apparent when viewed from the street. That would have a beneficial visual impact far outweighing the effects of seeing the additional accommodation at first floor level. The extended first floor would not look out of place, given the size of neighbouring buildings either side of the appeal property and others in the near vicinity. Furthermore, without any significant changes to the scale of the existing building, the proposal would no more intrude on the character of the countryside or views from it than is presently the case.
12. In the light of my observations, it follows that the proposal would meet the policy requirements of achieving high standards of design and consistency with context. For the reasons given, which are very specific to the circumstances of this case, I do not believe that allowing the appeal would undermine the Council's countryside policies.
13. To sum up, the proposal for extending and altering the existing property would have a beneficial impact on its appearance and would not harm or impose upon the streetscene or the countryside in which it is situated. The fact that a less attractive or bulkier scheme might be achieved by using permitted development rights has no bearing on the consideration of the merits of the scheme before me.
14. The Council's written evidence confirms that the neighbours' living conditions would not be adversely affected by the development. Provided that measures are secured to obscure views from the side of the balcony, I agree with the Council on that point. None of the other matters raised is sufficient to alter the balance of my considerations or the conclusion that the proposal would be acceptable in terms of the main issues identified. The breach with the 'modest' element of Policies E6 and RC4 is justified on the basis of the wider improvements that the proposal would bring to the appearance of the property. In all other respects it would accord with the development plan and should be allowed.
15. Turning to conditions, the time limit imposed is standard. The development is to be undertaken in accordance with the approved plans, in the interest of certainty. External materials to match the existing are necessary to ensure that the works of alteration and extension fit in with the existing building. To protect neighbours' privacy, a 1.8m high obscured side panel to the eastern part of the balcony should be installed and permanently retained. Conditions are imposed accordingly to secure these items.

*Ava Wood*  
Inspector