

PLANNING COMMITTEE – 13 OCTOBER 2022**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 22/503662/FULL		
APPLICATION PROPOSAL Demolition of existing rear extension and erection of single storey extensions to north and west elevations.		
ADDRESS The Gate House Lees Court Road Sheldwich Faversham Kent ME13 0ED		
RECOMMENDATION Refuse		
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Member.		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Sheldwich	APPLICANT Wilson AGENT Edgington Architectural Services Ltd
DECISION DUE DATE 30/09/22	PUBLICITY EXPIRY DATE 08/09/22	CASE OFFICER Claire Attaway

Planning History

20/503052/FULL

Demolition of existing rear extension and erection of single storey extensions to north and west elevations along with renovation of existing property externally and internally. (Resubmission of 20/501720/FULL)

Approved Decision Date: 01.09.2020

20/501720/FULL

Demolition of existing rear extension and removal of chimney stacks, erection of single storey side and rear extension and internal alterations.

Withdrawn Decision Date: 21.05.2020

15/506719/FULL

Demolition of existing side extension and replacement with new single storey side extension with pitched roof as amended by drawing 004 rev A 27.11.15

Approved Decision Date: 15.12.2015

1. DESCRIPTION OF SITE

- 1.1 This property is a modest and attractive single storey, double fronted former lodge house (one of a pair of such buildings facing each other) located outside the built-up area boundary of Sheldwich Lees, and within both the Sheldwich Conservation area and the Kent Downs Area of Outstanding Natural Beauty (AONB).

- 1.2 It is accessible only by a track skirting around the village green from Lees Court Road. There are several listed buildings close to the property, including one immediately to the north. Lees Court Park situated to the east of the village green is a Grade II registered Historic Park and Garden. Public Bridleway ZR402 runs in-between the two former lodge houses and joins Public Footpath ZR403 that runs alongside the village green.
- 1.3 The elevations of the property are inlaid with knapped flint and stone quoining adorns the corners and window surrounds. The slate roof has a fully hipped form, and fenestration includes oversized timber casement windows. This two-bedroom property has been altered in the past with a porch and poor-quality side extensions. Nevertheless, the property is considered to be a non-designated heritage asset, within the terms of paragraph 203 of the National Planning Policy Framework (NPPF), which states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 1.4 The property is also located within the Sheldwich Conservation Area. The Gate House is therefore a property of some historic interest, set in a very sensitive rural location. Its special features and historic significance make it a strong candidate for local heritage listing. The listing criteria for the Local Heritage List has now been through the required public consultation and has been recommended by Cabinet for adoption.
- 1.5 The planning history for the site begins in 2015, when planning permission (15/506719/FULL) was granted to demolish the side extension and replace with a modestly sized single storey side extension. That extension was never built.
- 1.6 In April 2020, planning permission (20/501720/FULL) was sought for a much larger side extension that would have effectively doubled its footprint. The extension was considered oversized and harmful to the character of the property. That application was subsequently withdrawn, and the applicants sought pre-application advice before submitting a revised scheme.
- 1.7 In July 2020, a revised application (20/503052/FULL) for a modestly sized extension was approved. The approved extension has not been built but would have provided an additional bedroom with ensuite and more ground floor living space. That extension would have been built in red stock brickwork with quoin detailing and a pitched roof covered in slate to match the existing building.

2. PROPOSAL

- 2.1 The current proposal is to demolish the modern side extension and replace with a large single storey side and rear extension to provide an additional two bedrooms, both with an ensuite, and additional ground floor living space.
- 2.2 The existing building is rectangular shaped, measuring approximately 11.5m x 8m. The proposed extension would be L shaped in form, wrapping around two sides of the existing building. The side element would be set back from the front wall by 6.5m and project 4.3m

sideways. It will project 11.5m to the rear and extend across almost the entire width of the building.

- 2.3 The external walls of the extension would be clad in black horizontal featheredged timber weatherboarding above a red brick plinth with a pitched roof covered in matching slate tiles. All new windows will be timber framed casement windows with slimline double-glazed units, and the side entrance door will be made of solid timber.
- 2.4 The application is accompanied by a Design and Access Statement (DAS), extracts from which are as follows:

Whilst planning permission was granted in September 2020, the applicant has only made the alterations to the existing dwelling as circumstances changed with the arrival of twins in 2021. This being the case the applicant has had to rethink what they need in terms of accommodation with the family expanding more than expected.

They are committing to staying in the village and are making this into their lifetime family home and so need additional accommodation so that it can remain so.

The external materials for the extension have also been discussed, in particular the use of flint blocks or loose flints to the external walls. It is felt that the continuation of same materials is perhaps not best suited as there will be a clear difference in appearance between the existing flintwork and new. A change in material/cladding would provide a clear difference between the existing dwelling and the extended areas.

Like with the original approval, the existing extension is to be demolished and the new extension is to be a wrap around on the north and west elevations, with the roof form similar to the approved. The roof form of the original host dwelling is maintained so that there is a clear definition between the existing and new elements.

The increase in footprint area is more than the approved scheme but has been reduced in area from the original scheme that was withdrawn.

The original building was empty for a number of years and had fallen into a greater state of disrepair. The applicant has already renovated and modernised the cottage both internally and externally as part of the original approval and is making progress with the use of the existing curtilage. These proposals will provide the necessary accommodation to ensure that while the family grows, the property will have the space needed to be sympathetic to the character of the host dwelling.

3. SUMMARY INFORMATION

	Original Cottage	Approved (15/506719/FULL)	Withdrawn (20/501720/FULL)	Approved (20/503052/FULL)	Current Proposal (21/505854/FULL)
Total floorspace (m ²)	92	113	212	163	194
Total % increase in floorspace	-	23	130	77	110

4. PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

Conservation Area Sheldwich

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF): Paragraphs 176; 202; 203: 206 and 207.

Paragraph 176 requires that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

5.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:

Policy ST3 The Swale settlement strategy

Policy CP4 Requiring good design

Policy CP8 Conserving and enhancing the historic environment

Policy DM7 Vehicle parking

Policy DM11 Extensions to, and replacement of, dwellings in the rural area

Policy DM14 General Development Criteria

Policy DM16 Alterations and extensions

Policy DM24 Conserving and enhancing valued landscapes:

Policy DM26 Rural lanes

Policy DM32 Development involving listed buildings

Policy DM33 Development affecting a conservation area

Policy DM35 Historic parks and gardens

5.3 Policy DM11 deals with extensions to dwellings in the rural area. This states that:

“The Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in the rural areas where they are of an appropriate scale, mass, and appearance in relation to the location.”

The relevant sections of the supporting text to this policy are as follows:

“... The Council is concerned that large extensions or replacement dwellings can harm the character of the rural area. For these reasons, and where planning permission is required, Policy DM11 seeks to control the extensions to, and replacement of, dwellings in the rural areas. The Council’s existing Supplementary Planning Guidance Designing an Extension: A Guide for Householders is a material consideration to the determination of some proposals. Planning permission will only be granted in cases proposing modest extensions (taking into account any previous additions undertaken) of an appropriate scale, mass and appearance to the location.”

5.4 Policy DM24 seeks to prevent the AONB from harmful development, stating that

“The value, character, amenity and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

- 1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:

 - 1. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
 - 2. furthering the delivery of the AONB’s Management Plan, having regard to its supporting guidance documents;*
 - 3. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
 - 4. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.”**

5.5 Policy DM33 states

Development (including changes of use and the demolition of unlisted buildings or other structures) within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area’s special character or appearance. The Borough Council expects development proposals to:

- 1. Respond positively to its conservation area appraisals where these have been prepared;*
- 2. Retain the layout, form of streets, spaces, means of enclosure and buildings, and pay special attention to the use of detail and materials, surfaces, landform, vegetation and land use;*
- 3. Remove features that detract from the character of the area and reinstate those that would enhance it; and*
- 4. Retain unlisted buildings or other structures that make, or could make, a positive contribution to the character or appearance of the area.*

The relevant section of the supporting text to this policy is as follows:

New development within, or adjacent to, a conservation area is expected to be both of an appropriate use, of a very high standard of design, and to respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place.

5.6 Paragraph 3.1 of Supplementary Planning Guidance (SPG) entitled ‘Designing an Extension – A Guide for Householders’ states:

“Traditionally, extensions to buildings are smaller and less significant than the main building. Over-large extensions can destroy the appearance of the house and have a serious effect upon the area as a whole.”

Paragraph 3.3 of the SPG states that:

“In the countryside, scale is of particular importance. In rural areas, policies are designed to maintain their attractive character and the extension of a small cottage to create a large house will normally be resisted. The Council will not normally approve an extension to a dwelling in a rural area if it results in an increase of more than 60% of the property’s original floorspace.”

- 5.7 Supplementary Planning Guidance (SPG) recommends 3+ parking spaces for a four-bedroom house in a rural location.
- 5.8 The Swale Landscape Character and Biodiversity Appraisal (SPD 2011) designates the site within the Sheldwich and Leaveland Farmlands. It describes the site as a mixed landscape of gently undulating slopes with soils of clay with flint and steep dry chalk valleys, an arable landscape with mature hedgerows along lanes, small scale woodlands and isolated traditional villages, hamlets, scattered groups of cottages and isolated farmsteads. The overall condition of the landscape and landscape sensitivity is rated moderate. The guidelines focus on conserving the landscape and creating a new landscape structure.
- 5.9 The relevant principles of the Kent Downs AONB Management Plan are as follows:

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

6. LOCAL REPRESENTATIONS

- 6.1 Nine representations of support were received, and their comments can be summarised as follows:
- The renovations to date have preserved the property for future generations, and enhanced the local area – the new development would do more of the same
 - It is a sympathetic addition to help make the property suitable for a growing family enabling them to stay in the village
 - It is fantastic to see this property returned to habitable dwelling with such a high level of build and finish quality
 - I strongly support the application to expand the property to make it fit for modern living
 - The Sheldwich community desperately needs a diverse mix of residents, by allowing these improvements, the planning process will be helping to ensure that families can continue to make Sheldwich home and contribute to the community

- The design is in keeping with both the scale of the existing dwelling as well as the overall plot and neighbouring properties
- We need to be encouraging young families into our villages and this requires adequately sized houses
- It will improve this lovely setting in our quaint village
- Its been great to see the once dilapidated cottage restored and I'm sure the proposed extension will only add to its charm

7. CONSULTATIONS

7.1 Sheldwich Badlesmere and Leaveland Parish Council commented as follows

“Sheldwich, Badlesmere and Leaveland Parish Council fully support this application and believe it would be beneficial to the Parish.”

7.2 The KCC Public Rights of Way Officer responded to say he had no comments to make and suggested some informatives.

8. BACKGROUND PAPERS AND PLANS

8.1 Application papers and drawings referring to application reference 22/503662/FULL.

9. APPRAISAL

9.1 This property is a two-bedroom detached dwelling located within the village conservation area and within the Kent Downs AONB. There are several listed buildings close to the property, including one immediately adjacent to the site. Lees Court Park situated to the east of the village green is a Grade II registered Historic Park and Garden. This property is therefore situated in a particularly sensitive location. I note the support from the Parish Council but, as the property is located within a conservation area there is a statutory duty on the Council to ensure that changes are not harmful.

Impact on the character and appearance of the conservation area, and status of the building as a non-designated heritage asset

9.2 Section 72(1) of The Town and Country Planning (Conservation and Listed Buildings Act) 1990 places a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving and enhancing the character and appearance of conservation areas. Policy DM33 of the adopted Local Plan sets out that new development within a conservation area should be sensitive to the special character of the area and of a high standard of design; Policy DM33 is consistent with the requirements of statute as set out above.

9.3 As indicated in the table produced at paragraph 3, the proposed extension, which effectively wraps around two sides of the modest lodge building, and replaces the existing poor quality side extension, is smaller than the first 2020 application (which was withdrawn), but larger than the second approved scheme from 2020. In the case of the latter, that 2020 scheme would have increased the volume of the cottage by 77%, whilst the current proposal would increase the volume by 110% thereby more than doubling its original size. Whilst it might be

said that using weatherboarding to distinguish the new from the original (which is faced primarily in knapped flintwork and stone) would assist in helping to appreciate and understand the evolution of the building, this otherwise potentially beneficial design approach is heavily compromised and arguably lost in translation by the sheer scale of the proposed extension which would dominate the existing form of the lodge building, in the process not only confusing an understanding of the building, but also destroying the lodge character of the building, as a non-designated heritage asset, which in large part is derived from its diminutive scale (reflecting its historic ancillary function) and its still remaining strong similarity (including in terms of scale) to the twin lodge house directly opposite, both fronting onto the aforementioned public right of way.

- 9.4 The proposed extension to the application property would not only harm its intrinsic modest lodge character and unbalance the important architectural composition provided by the two (historically matching) lodge houses either side of the access drive to Lords (House) and the associated farm to the west, but given the prominence and clear public visibility of the property in the Sheldwich Conservation Area, the proposed changes, which would impact negatively on the application property, would in turn, fail to either preserve or enhance the character and appearance of the conservation area at the location in question, and the positive contribution that the pair of lodge houses currently make to the conservation area would be notably compromised.

Impact on the character and appearance of the dwelling, the countryside and the AONB

- 9.5 The application site lies within the open countryside and the AONB, where policies ST3, DM11 and DM24 seek to restrain large scale development in the interests of countryside conservation and sustainability. Planning permission has already been granted to extend the property – in a simply designed modest way that conserves the apparent scale of the cottage.
- 9.6 Policy DM11 does provide for some limited development outside settlements and the accompanying text refers to the Council's SPG 'Designing an Extension – A Guide for Householders' which suggests that modest can be defined up to a 60% increase in floorspace from the original. This policy guidance was published by the Council to address the issue of rural cottages being extended to large dwellings, reducing the supply of smaller, more affordable dwellings in the rural area, and harming the character of the countryside. Therefore, what falls to be considered here is whether the extensions now being proposed are sufficiently modest in scale and form to prevent harm to the character of the cottage, to that of the countryside and to the natural beauty of the AONB.
- 9.7 Whilst the proposal has indeed been modified from the previously withdrawn planning application, the current scheme is still too large in relation to the scale of the building. It will elongate the building very considerably and is disproportionately oversized in relation to the host property. I therefore consider that the extensions now proposed will have a transformative effect on the apparent scale and character of the existing cottage, resulting in visual harm to the character and appearance of the countryside, and the natural beauty of the AONB.
- 9.8 The DAS argues that the proposal is similar to that approved, with the existing extension being demolished and the new extension wrapping around the north and west elevations, whilst maintaining the roof form of the original host dwelling, stating that

The existing building is of single storey construction with pitched roofs all round, and is not imposing whatsoever, with eaves set at window/door head height and a relatively small scale roofscape, where the roof is not of great prominence.

The proposals will maintain the same eaves and ridge heights to match the existing and so do not impact on the scale in terms of the buildings height, the only impact of scale relates to footprint.

- 9.9 Despite the extensions being designed with the same roof height, with the additions now being proposed, it would result in a building being more than double the size of the original cottage. In my view that cannot be considered as a modest addition, and it would be contrary to the advice given in the SPG.
- 9.10 The NPPF gives great weight to conserving landscape beauty and scenic value in an AONB. This is reflected in policy DM24 of the adopted Local Plan. The DAS at section 5.06 states that the site is well screened with established hedgerows whereby the roof is the only part of the building that is clearly visible. However, in my view, the significant increase in floorspace above the 60% guideline will seriously affect the apparent scale of the cottage in a manner which would harm the character of the property and its rural surroundings.

Residential Amenity

- 9.11 The property is set on a generously sized plot and directly opposite is Lords Lodge to the south, and The Old Cottage, a Grade II listed building to the north. There is no identifiable harm regarding the impact of the proposals upon the amenity of the occupiers of these neighbouring properties.

Other Matters

- 9.12 I note there is local support for the proposal because it will allow the occupants to remain in their house and contribute to the community. However, I do not consider these reasons justify permitting permanent extensions to a rural property that are considered harmful and detrimental to visual amenities, particularly for a site located within a conservation area and an AONB.

10. CONCLUSION

- 10.1 This planning application seeks permission for a substantial side and rear extension to a small dwelling located within the countryside and within a rural conservation area. I believe the alterations will significantly alter the scale and character of the original cottage, as an identified non-designated heritage asset, which would be harmful to its character and to the appearance and amenity of the countryside, being situated within an Area of Outstanding Natural Beauty, and to the character and appearance of the conservation area. Whilst in terms of the National Planning Policy Framework (NPPF), the proposed development would result in a level of impact which would fall within the 'less than substantial' harm category, the public benefit which we are required to weigh this harm against (in accordance with paragraph 202) is negligible, and as such, I therefore recommend that the application should be refused.

11. RECOMMENDATION

REFUSE for the following reasons:

REASONS

- (1) The proposed extensions would result in a considerable visual increase in scale, producing an adverse visual impact upon the character of the cottage (and its pair), and on the natural beauty of the Kent Downs Area of Outstanding Natural Beauty. As such the proposal is contrary to policies ST3, CP4, DM11, DM14, DM16, DM24 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan and the advice given in the Council's Supplementary Planning Guidance entitled 'Designing an Extension – A Guide for Householders' which is a material planning consideration and is referred to as such in paragraph 7.3.28 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- (2) The proposed development, by virtue of its design and scale would create development which will adversely affect the character and appearance of the cottage – a non-designated heritage asset - and views in and out of the Sheldwich Conservation area. These effects would give rise to an impact of less than substantial harm, against which only limited public benefit can be demonstrated in mitigation, meaning that the harm should not be accepted. As such the proposal represents development contrary to policies of CP4, CP8, DM14 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017, together with the provisions of paragraph 203 of the National Planning Policy Framework 2021.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

