

2.4 REFERENCE NO - 24/503858/FULL		
PROPOSAL Demolition of single storey rear extension and erection of single storey rear extension with changes to fenestration and addition of 6no rooflights and bifold door (part retrospective).		
SITE LOCATION Oak Tree Cottage, South Street, Boughton Under Blean, Kent, ME13 9NR		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE Boughton under Blean Parish Council Objection		
CASE OFFICER Mandi Pilcher		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Boughton under Blean	APPLICANT Mrs Kerry Nikolova AGENT Mrs Cherry Baillie
DATE REGISTERED 25/09/2024	TARGET DATE 20/11/2024	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJWWHATYGDU00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 Oak Tree Cottage is a two storey detached residential property located in the countryside on the northern side of South Street, Boughton Under Blean. The property sits on a sizable plot and has been extended previously in the form of a two storey side extension and a single storey rear extension, which has recently been demolished.
- 1.2 The surrounding area is rural in nature with agricultural fields surrounding the dwelling. South Street, which the property fronts, is a designated rural lane.

2. PLANNING HISTORY

- 2.1 25/500057/LAWPRO
Lawful Development Certificate for proposed outbuilding for storage including 2no. roof lights.
Pending Consideration

- 2.2 24/504588/LAWPRO
Lawful Development Certificate for proposed outbuilding for storage facility.
Refused Decision Date: 24.12.2024
- 2.3 24/503833/AGRIC
Prior notification for the erection of an extension to existing garage to form agricultural storage facility for machinery. For its prior approval to: - Siting, design and external appearance.
Planning Permission Required Decision Date: 14.10.2024
- 2.4 15/508522/FULL
Replacement of damaged single storey rear part of main dwelling.
Approved Decision Date: 23.12.2015
- 2.5 SW/12/1381
Renewal of planning permissions approved under reference SW/09/1228 – to demolish existing outbuilding due to subsidence; replacement rear extension to provide new kitchen/breakfast room. Alterations to layout to provide utility room and WC within existing house.
Approved Decision Date: 18.12.2012
- 2.6 SW/09/1228
Demolition of existing outbuilding due to subsidence; replacement rear extension to provide new kitchen/breakfast room. Alterations to layout to provide utility room and WC within existing house. (Renewal of Planning Permission SW/06/1261).
Approved Decision Date: 15.01.2010
- 2.7 SW/09/0295
To demolish existing single storey utility/shower room at rear (north) of property and replace with two storey extension incorporating new kitchen and bedroom.
Refused Decision Date: 22.05.2009
Dismissed at appeal Decision Date: 23.11.2009
- 2.8 SW/06/1261
Demolition of existing outbuilding due to subsidence; replacement rear extension to provide new kitchen/breakfast room. Alterations to internal layout to provide utility room and WC within existing house.
Approved Decision Date: 21.12.2006
- 2.9 SW/87/1023
Proposed two storey side extension and change of use of agricultural land to residential.
Approved Decision Date: 23.10.1987
3. PROPOSED DEVELOPMENT
- 3.1 This application seeks planning permission for the demolition of a single storey rear extension and erection of single storey rear extension with changes to fenestration and addition of 6no rooflights and bifold door. The rear projection has already been

demolished so the proposal is part retrospective.

3.2 The proposed rear extension would extend from the staggered rear elevation of the property by a distance ranging between approximately 2.5m and 3.5m. The proposed extension has a width of approximately 8.2m. The extension has a pitched roof and measures approximately 2.3m to the eaves and 3.4m in overall height.

3.3 The proposal also includes the insertion of 6 rooflights on the rear facing roofslope, two additional windows on the first floor rear elevation, two new windows on the side (west) elevation and the replacement of windows on the rear elevation in a style to match those on the front elevation. A door is also proposed in the side elevation of the existing porch.

4. CONSULTATION

4.1 One round of consultation has been undertaken during which a site notice was displayed at the site. No letters from neighbours were received.

4.2 **Boughton under Blean Parish Council** were consulted on two occasions. In response to the first consultation they raised an objection on the following summarised grounds (full representations are available online):

Comment	Report reference
The proposal represents overdevelopment in a rural area and is above the 60% figure as set out in the Council's SPG;	Paragraph 7.10 and 7.11
The original historic structure will be completely consumed;	Paragraph 7.13
The proposal does not preserve or enhance the visual amenity of the hamlet in a rural area;	Paragraph 7.12 – 7.18
The extension does not reflect the character and appearance of the existing building;	Paragraph 7.13 and 7.14
The proposals do not represent good design;	Paragraph 7.12 – 7.18
The drawings are not accurate in terms of the fenestration;	Paragraph 4.3
This proposal is more detrimental than the scheme dismissed at appeal – the flat roof design and bi-fold doors are not in keeping with the style of the property or the local area.	Paragraph 7.14 and 7.15

4.3 The application was subsequently amended to alter the flat roof to a pitched roof and to amend the window details to reflect the existing property. Boughton under Blean Parish Council were re-consulted and continued to raise an objection on the following summarised grounds:

Comment	Report reference
Whilst the minor amendments to the application are recognised the proposal fails to preserve and enhance the appearance of the existing building and would have a harmful effect on the character and appearance of the surrounding area.	Paragraph 7.6 - 7.18

5. REPRESENTATIONS

5.1 **None**

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017** - policies:

CP4 Requiring good design

DM7 Vehicle Parking

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

DM14 General development criteria

DM16 Alterations and extensions

DM26 Rural lanes

6.2 **Boughton and Dunkirk Neighbourhood Plan (BDNP)** – policies:

E1 *Proposals for developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle.*

E4 *Any development that conflicts with the protection of the natural landscape and sensitive sites and wildlife in ‘The Blean’ and the surrounding fruit belt will not be supported.*

E8 *A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions for the development sites concerned.*

E9 *Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.*

T3 *Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.*

AS13 *Development proposals will be supported which contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.*

6.3 **Supplementary Planning Guidance/Documents**

Supplementary Planning Guidance - Designing an Extension – A Guide for Householders

Supplementary Planning Document - Swale Parking Standards

7. ASSESSMENT

7.1 This application is reported to the Committee because Boughton under Blean Parish Council object to the proposal. Considering these comments and the scheme that has been submitted, the committee is recommended to consider the following points:

- The Principle of Development
- Character and appearance
- Living Conditions
- Rural lane
- Highway safety and parking
- Biodiversity net gain

Principle

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 Policy DM11 of the Local Plan 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.

7.5 Therefore, the principle of extensions to dwellings is accepted by policy DM11 subject to certain criteria being met. Therefore, these matters, and the consideration of other relevant planning considerations are discussed below.

Character and appearance

7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.7 In addition to the requirements of policy DM11 as set out above, policies CP4, DM14 and DM16 of the Local Plan state that developments and extensions should be well designed and respond positively to the building and its surroundings.

7.8 In addition, paragraph 3.3 of the Council's SPG related to domestic extensions states:

“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”.

- 7.9 Policy E1 of the BDNP states that proposals which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle. Policy E4 sets out that any development that conflicts with the protection of the natural landscape and sensitive sites in the fruit belt will not be supported. Policy E9 states that building styles and materials must also respect and positively contribute to local distinctiveness whilst policy AS13 states that proposals will be supported which to contribute to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.10 In this case, the property is a detached, two storey rendered dwelling which has been previously extended to the side and rear. In assessing the previously refused application for a two storey rear extension (ref. SW/09/0295), the Inspector concluded that the property had, by virtue of a previously constructed two storey side extension, been increased by approximately 55%. In addition, once the Inspector considered the proposed two storey rear extension and factored in the demolition of the single storey rear projection, a percentage increase of approximately 81% would have occurred. In the current application, the extension proposed is considerably smaller than that considered under ref. SW/09/0295. In terms of floorspace, due to the demolition of the single storey rear projection, the proposal as now submitted adds approximately a further 10sqm of floorspace to the dwelling. The application submitted under the SW/09/0295 application added approximately 50sqm.
- 7.11 The Inspectors calculations are not before me, however, on the basis of the above figures, it is clear that the extension as now proposed results in a considerably lower overall percentage increase on the original property than 81%, although cumulatively likely exceeds the 60% figure as set by the SPG. However, in any case, the SPG states that the Council will not normally approve an extension which results in an increase above 60% which does not preclude this scenario from ever occurring. In addition, policy DM11 of the Local Plan sets out 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. Therefore, this is considered in further detail as follows.
- 7.12 Firstly, it is important to note that the proposed extension is single storey, and replaces what was a single storey extension. The replacement is wider than the previous projection although it remains entirely confined to the rear elevation of the dwelling. South Street adjacent to the site is fairly heavily planted and as such, in addition to the single storey scale of the extension and its siting on the rear elevation, the extension would have very little impact when viewed from public vantage points and little impact upon the wider countryside or the local landscape.
- 7.13 Even taking into account the two storey side extension that has previously been constructed, which itself has been set back from the front elevation of the property, due to the single storey scale of the proposal it is considered that the extension both alone and in combination with the previous addition would continue to allow an appreciation

of, and would be subservient to the original dwelling. The dwelling also sits on a reasonably generous plot and as a result the extension sits comfortably within this context.

- 7.14 In design terms the scheme has been amended from the original submission. Originally, the extension was proposed to have a flat roof which has been altered to a pitched roof. This is considered to be an acceptable design. Concern has been raised by the Parish Council in respect of the bi-fold doors, however, these are contained at ground floor level on the rear facing elevation of the extension. Although they are of a more contemporary design than the rest of the fenestration on the dwelling, due to their location it is not considered that they give rise to any identifiable harm to the dwelling itself or the surrounding area.
- 7.15 The drawings show that the extension will be rendered to match the existing dwelling which is appropriate. In addition, it is considered that the roof tiles should also match the existing dwelling. As a result, a condition is recommended below which requires materials to match. On this basis it is considered that the scheme uses an appropriate palette of external finishing materials.
- 7.16 The proposal also includes the insertion of rooflights on the rear roofslope and new windows on the rear facing elevation at first floor level. As these are located on the rear elevation and of a scale consistent with existing fenestration it is not considered that they give rise to any unacceptable harm in terms of the dwelling itself or the character of the wider countryside. In addition, and of fundamental importance is the ability for these elements of the scheme to be inserted under permitted development rights which represents a fallback position. On this basis these elements of the scheme are considered acceptable.
- 7.17 Two windows are also proposed in the west facing side elevation, one at ground floor and one at first floor. They are proposed at a scale and with a design to match the existing windows on the property and therefore from a visual perspective they are considered acceptable. In addition, there is a fall back position in relation to the ground floor window which could be inserted without planning permission under permitted development rights. A new door is also proposed in the side elevation of the existing porch. This will have little impact on the overall appearance of the dwelling and doors are able to be inserted under permitted development rights representing a fall back position. On this basis this aspect of the scheme is considered acceptable.
- 7.18 On the basis of the above, the extension, which is replacing a previous addition to the property is of an appropriate scale, mass, and appearance in relation to the location. It is, along with the other elements of the scheme, appropriately designed and uses acceptable materials. In this case, due to the assessment undertaken it is considered that a cumulative extension to the property above the 60% figure as set out in the SPG is acceptable. The other elements of the scheme are also considered acceptable for the reasons set out above. Therefore, the application complies with policies CP4, DM11, DM14 and DM16 of the Local Plan and policies E1, E4, E9 and AS13 of the BDNP.

Living conditions

- 7.19 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.
- 7.20 The dwelling subject to the application does not have any near neighbouring residential properties, the closest being approximately 115m away. On this basis the proposal will have no adverse impact upon the living conditions of neighbouring occupiers.
- 7.21 Taking the above into account the proposal is considered to have an acceptable impact upon the living conditions of surrounding dwellings in accordance with policies DM14 and DM16 of the Local Plan 2017.

Rural lanes

- 7.22 Policy DM26 of the Local Plan states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes.
- 7.23 South Street, which the property fronts onto is designated a rural lane. However, the extension to the dwelling is, as discussed above, entirely confined to the rear of the dwelling. The only aspect of the development which would be readily visible from the rural lane would be the side windows and the door in the porch. However, these small alterations would not significantly harm the character of the rural lane. As a result, the scheme complies with policy DM26.

Highway safety and parking

- 7.24 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.
- 7.25 The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.26 Local Plan policy DM7 requires proposals to be in accordance with the Council's Parking SPD. Policy T3 of the BDNP requires proposals to have sufficient on-site parking space and also for developments to be in accordance with the Council's Parking SPD.
- 7.27 The proposal, although providing extra ground floor accommodation is not proposing any additional bedrooms in the single storey rear extension. The rooflights in the rear roofslope would allow the internal roofspace may be used as bedrooms, although

internal alterations do not amount to development and as such would not require planning permission. In any case, there is ample parking space to the side of the dwelling to comply with the Council's Parking SPD. On this basis, the proposal would not give rise to any additional harm in respect of highway safety or convenience and as a result complies with policies T3 of the BDNP and the Council's Parking SPD.

Biodiversity Net Gain

- 7.28 Para 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions. An exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015). The application submitted in this case is a householder application.
- 7.29 Policy E8 of the BDNP states that a minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan area against baseline conditions. The Neighbourhood Plan does not appear to set a minimum threshold for development in relation to this policy. However, the Planning Practice Guidance states that "*Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.*" On the basis of the above, as the development would be exempt from providing a biodiversity net gain of a minimum of 10%, weight should not, in this case, be given to policy E8 of the BDNP.

Conclusion

- 7.30 On the basis of the above, the scheme is considered to be in compliance with policies CP4, DM11, DM14, DM16 and DM26 of the Local Plan and the relevant policies in the BDNP. It is recommended that planning permission is granted.

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following drawings:
- 07 Rev B - Proposed Block Plan;
 - 08 Rev B - Proposed Ground Floor Plan;
 - 09 Rev B - Proposed First Floor Plan;
 - 10 Rev B - Proposed Loft Plan;

- 11 Rev B - Proposed Roof Plan;
- 12 Rev B - Proposed Rear Elevation;
- 13 Rev B - Proposed Front Elevation;
- 14 Rev B - Proposed Side Elevation;
- 15 Rev B - Proposed Garden Side Elevation;
- 16 Rev B - Proposed Section A-A

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

The Council's approach to the application

In accordance with paragraph 39 of the National Planning Policy Framework (2024), 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.

In this instance:

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

