



Appeal Decision

Site visit made on 11 January 2024

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 29.01.2024

Appeal Ref: APP/K2230/D/23/3330274

Thorpewood, Newlands Lane, Culverstone, Kent DA13 0RD

- 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 Oliver Porter and Stephanie Price against the decision of Gravesham Borough Council.
 - The application Ref 20230697, dated 29 June 2023, was refused by notice dated 30 August 2023.
 - The development proposed is the demolition of existing conservatory, construction of new first floor and reconfigure roof including new rooflights. Construction of single storey flat roof rear extension with roof light.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory, construction of new first floor and reconfigure roof including new rooflights. Construction of single storey flat roof rear extension with roof light in accordance with the terms of the application, Ref 20230697, dated 29 June 2023, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The Council referred to conflict with Section 12 of the National Planning Policy Framework (the Framework) in its decision notice. That version of the Framework has since been updated by a new version being issued in December 2023. Although the Council does not refer to conflict with any specific paragraphs in Section 12, the policy approach towards design in planning decisions has not changed between the two versions. I have therefore had regard to the new version in reaching my decision below.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property known as Thorpewood comprises a modest detached bungalow located on the northern side of Newlands Lane. The latter is a winding rural lane with dwellings on one side and open fields on the other. There is mature hedging on the southern side of the road whilst the frontages

on the northern side are more varied with a mixture of hedging, mature trees and open areas. There is a mix of property styles ranging from bungalows such as Thorpewood, chalet bungalows and two storey dwellings. There is also significant variety in roof form.

5. The proposal would involve a significant change to the scale and appearance of Thorpewood with a full two storey building being formed across the full width of the property, together with a hipped roof on all four sides and a crown flat roofed section in the middle. A single storey extension would be constructed at the rear to replace the conservatory.
6. The Council is concerned that the proposed extensions would significantly change the character of the property, from a modest bungalow to an over dominant two storey property. It is acknowledged that the properties to either side have two storey accommodation, but the roof form would be 1 metre higher than the property to the west known as Triple Oak. To the east, the Council argues that the massing of the property known as Monk Silver, is reduced by its shallow roof form and chalet bungalow style.
7. I acknowledge that the character of the existing bungalow would be considerably altered, but that has already taken place elsewhere along Newlands Lane, including the adjoining property Triple Oak which was allowed on appeal in 2018¹. I note that the Inspector in that appeal reasoned that whilst the resulting building would be bulkier, it would be of similar scale to neighbouring properties. That scheme has since been implemented with a contemporary form of architectural style. Although the proposed ridge height of Thorpewood would be 1 metre higher than Triple Oak, its scale and massing would be similar. Similarly, the crown roof would be significantly lower than the highest point of Monk Silver on the opposite side, and although the overall size of that property's roof is lessened by inset first floor windows, it remains a dominating roof in the street scene, with a full two storey and hipped roof section above, adjoining the appeal site.
8. The pattern of two storey development continues to the east of Monk Silver with a further series of individual designed detached properties. What is emerging therefore, is a road which has significantly changed in character over time and indeed it is the modest size of Thorpewood which now looks out of character in my view, with that of nearby properties.
9. The architectural form of the proposed design would be different from that of its neighbours, but that mixed character already exists as noted above, and therefore it would not look out of place, particularly as longer distance views of any of the properties along the lane are limited by vegetation and its winding nature.
10. Although the Council expresses concern about the proposed crown roof form, it does not identify any specific harm that would result from that, other than the overall design would constitute overdevelopment of the site. Given that I have already found that the character of the nearby area is mixed and largely two storeys, I do not agree, and in this context consider that the crown roof form is an appropriate design solution.

¹ Appeal Reference APP/K2230/W/18/3206204

11. Drawing the above together I find that there would be no harm to the character and appearance of the area.

Other Matters

12. I note the concerns of the occupiers of Monk Silver in relation to potential adverse impact upon side windows facing the appeal property. The Council addressed this in its officer report noting that the windows are either secondary or non-habitable rooms and considered the relationship would be acceptable. I considered that issue at my site visit and whilst I acknowledge that there may be some impact upon the side windows in Monk Silver, I agree it would not be sufficient to withhold planning permission for the same reasons.
13. The Council did not identify any other concerns with regard to amenity issues on the opposite side in relation to Triple Oak, nor to any other amenity or highway issues, or impact upon the Meopham Downs Character Area. I see no reasons to take a different view.

Conclusion

14. For the reasons set out above, there would be no conflict with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 or Section 12 of the Framework, in that the development would be visually attractive and integrate well with the surrounding area. Although there would be some conflict with guidance in the Council's Householder Extensions/ Alterations Design Guide 2021, in that the extensions would not respect the character or be subordinate to the host property, the recent changes to the character of the immediate area, as noted above, justify a different approach in this instance.
15. Conditions for the development to be built in accordance with the approved plans and for details of external materials, are necessary in the interests of certainty and visual amenity. Conditions limiting additional windows or requiring obscure glazing in windows that are shown in both side elevations, are necessary in order to protect the privacy of occupiers of neighbouring residential properties.
16. Accordingly, the appeal is allowed and planning permission granted.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8497-PD-001; 8497-PD-002; 8497-PD-003; 8497-PD-004 and 8497-PD-005.
- 3) Details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved by the local planning authority prior to any development taking place above slab level. Development shall subsequently be carried out in accordance with the details as approved.
- 4) Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision

equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening shall be formed in either flank elevation of the development hereby permitted.

- 5) The w/c window within the north western elevation of the development hereby approved shall be installed and retained in perpetuity as obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale, and non-openable below a level of 1.7m above the adjacent internal floor level.
- 6) The windows serving the playroom and family room at ground floor level within the eastern elevation of the development hereby approved shall be installed and retained in perpetuity as obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale, and non-openable below a level of 1.7m above the adjacent internal floor level.

Kim Bennett

INSPECTOR