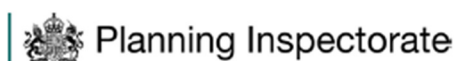


PLANNING COMMITTEE – 5th February 2026**PART 5**

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information



Appeal Decision

Site visit made on 4 December 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/V2255/W/25/3373193**Unit 1, Jetty Road, Warden, Kent ME12 4NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nanthan against the decision of Swale Borough Council.
 - The application Ref is 25/500019/FULL.
 - The development proposed is single storey front and rear extension to the shop, new first floor external terrace to the first floor residential flat and ancillary residential parking at rear of the site.
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Decision

1. The appeal is allowed and planning permission is granted for single storey front and rear extension to the shop, new first floor external terrace to the first floor residential flat and ancillary residential parking at rear of the site at Unit 1, Jetty Road, Warden, Kent, ME12 4NF in accordance with the terms of the application, Ref 25/500019/FULL, and the plans submitted with it, 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: PE-03 rev A; PE-04; PE-05; PE-06; and Site Location Plan.
 - 3) No development hereby permitted shall be commenced until a scheme for the implementation of Property Flood Resilience (PFR) measures has been submitted to and approved in writing by the Local Planning Authority.
 - 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing numbers PE-03 rev A, PE-05 and PE-06.
 - 5) The area shown on approved drawing No. PE-03 rev A as vehicle parking space shall be provided before first occupation of the dwellings hereby permitted, and this area shall at all times be retained for the use of the occupiers of the property.
 - 6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: -
Monday to Friday 0730 - 1800 hours: and Saturdays 0800 - 1300 hours, unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Preliminary Matter

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issue

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

Reasons

4. The appeal site contains a two storey detached building with a tile hung front gable, front balcony, and rendered walls, set back from the main road behind a small access and parking area. The ground floor is in commercial use, whilst the upper storey is a residential flat. To the rear, the plot includes a substantial garden area that is currently overgrown and lacks boundary fencing. This absence of enclosure detracts from the overall appearance of the street scene.
5. The property is within a small grouping of larger, commercial buildings with relatively deep footprints, including the Oasis store and Warden Bay public house. The neighbouring residential dwellings to the side and rear of the appeal site are a mixture of bungalows and smaller scale two storey dwellings, set within small plots.
6. Whilst of notable depth, the proposal's height and flat roof-form would minimise its bulk, ensuring that it would be appreciably lower than the host building's principal roof. When considered in the context of the neighbouring buildings, which are characterised by comparatively large footprints, the extension would fit into the existing built envelope without appearing visually dominant.
7. The Council indicate that the rear garden area is approximately 27 metres in length. Even with the extension's proposed depth, a substantial proportion of this rear area would remain free from development. The retained open space would maintain the spacious character of the plot, whilst the generous setback from the rear boundary would allow the extension to sit comfortably within the site.
8. Due to its location fronting Sea View Gardens, the extension's side elevation would be clearly visible from various points along the street. However, it would appear as a side wall element providing a sense of enclosure to the plot. The addition of a two-metre-high timber-boarded boundary fence would provide definition and structure to the plot that is currently open and overgrown. The combination of this new enclosure and the form of the rear extension would result in a more ordered and maintained appearance. The proposed green roof, which would cover the majority of the flat roof area, would introduce planting which would soften its massing and mitigate its visual presence in public views.
9. The use of render on the extension's elevations would match the predominant facing material on the host property. The rear balcony would introduce a new

architectural feature, however, the use of obscure-glazed balustrading would not be a particularly unusual material to surround a rear balcony.

10. The increased height of the side extension would be modest, and its flat-roof design would maintain a consistent roof form across the ground floor projections, thereby maintaining a coherent design.
11. For these reasons the proposal would accord with policies CP4, DM14 and DM16 of Bearing Fruits 2031 - The Swale Borough Local Plan (2017) which collectively require that proposals are of good quality design that are well-sited and that extensions are of an appropriate design and quality which respond positively to the style and character of the building being extended.
12. Additionally, the proposal would accord with paragraph 135 of the Framework which requires that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Conditions

13. I have assessed the proposed planning conditions in regard to the advice provided in the National Planning Policy Guidance. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans. This is in the interests of certainty.
14. In the interests of character and appearance I have imposed the suggested condition requiring the external materials to be those identified within the drawings.
15. In order to reduce the risk of flooding to future occupiers, I have imposed the Council's suggested condition which requires the submission of a scheme for the implementation of Property Flood Resilience measures. I have also imposed the suggested condition which requires the provision of the identified parking space on site prior to occupation. However, the Framework outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As a result, I have modified the condition so that it does not result in the removal of permitted development rights.
16. A condition restricting the construction working hours is necessary to mitigate the effects on the living conditions of neighbouring occupiers.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR