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## Appeal Decision

Site visit made on 24 July 2017

**by Clive Tokley MRTPI**

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

**Decision date: 31 July 2017**

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**Appeal Ref: APP/V2255/D/17/3175854**  
**25 Meadow Rise, Iwade, Sittingbourne, ME9 8SB.**

- 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 M Hancock against the decision of Swale Borough Council.
  - The application Ref 17/501059/FULL dated 24 February 2017 was refused by notice dated 2 May 2017.
  - The development proposed is described as a two-storey side and rear extension replacing existing conservatory. Extend garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The Council raises no objection to the extension at the front of the garage or to the relationship between the proposal and No 27 Meadow Rise. I have no reason to disagree with the Council's views on those aspects of the proposal. The main issue is the effect of the proposal on the living conditions of the occupiers of No 23 Meadow Rise as regards light and outlook.

### Reasons

3. No 25 Meadow Rise forms a semi-detached pair with no 23 at the head of the cul-de-sac. The proposal would replace the single-storey rear conservatory at No 25 with a two-storey extension. No 23 is a narrow house and the full width of its ground floor at the rear is occupied by a kitchen/diner. The dining area of No 23 is closest to No 25 and is lit by a rear-facing window. The kitchen/diner is also served by a rear-facing glazed door, which provides access to a paved patio area, and a side-facing window. No 23 has a sitting room at the front of the house but my impression was that the dining area was an important part of the living space of the household.
  4. The 3m deep flank wall of the proposal would be positioned 1m from the boundary with No 23. The proposed extension would be off-set from the boundary and behind the garden wall/fence; nevertheless it would be a dominant structure when seen from the rear patio of No 23. It would also be seen through the rear-facing window from within the kitchen/diner and would detract from the outlook from that room.
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5. The extension would lie to the south west of No 23 and would cast a shadow over part of the patio area; however that area would continue to receive direct sunlight for much of the day. The proposal would be likely to cut out some direct sunlight to the dining area window, but taking account of the other light sources to that room I consider that the proposal would not unacceptably detract from sunlight or daylight.
6. The appellant distinguishes between the first floor and ground floor of the proposal and focuses on the effect of the proposal on the upstairs windows of No 23. However my concern lies with the effect of the whole proposal on the ground floor accommodation and the rear patio area of that property. I consider that the proposal would be an un-neighbourly structure that would be unacceptably dominant and would detract from the outlook from the rear patio and ground floor rear window of No 23.
7. The proposal would conflict with the objectives and guidance set out by the Council's *Designing an Extension; A Guide for Householders* and with Policies E1 and E24 of the *Swale Borough Local Plan 2008* which seek to ensure that residential amenity is protected. In this respect those policies are consistent with the National Planning Policy Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Conclusion**

8. Taking account of all matters I have concluded that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 23 Meadow Rise as regards outlook and that the appeal should not succeed.

*Clive Tokley*

INSPECTOR