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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: 3 August 2017**

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**Appeal Ref: APP/V2255/D/17/3174773**  
**13 Wises Lane, Sittingbourne, ME10 1YN.**

- 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 and Mrs Mark Sears against the decision of Swale Borough Council.
  - The application Ref 17/500634/FULL dated 3 February 2017 was refused by notice dated 16 March 2017.
  - The development proposed is a first floor rear extension and change of roof to existing conservatory.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and change of roof to existing conservatory at 13 Wises Lane, Sittingbourne, ME10 1YN. The permission is in accordance with the terms of the application, Ref 17/500634/FULL dated 3 February 2017, 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: 100117-001, 100117-002, 100117-003, 100117-004 rev A, 100117-005 and 100117-006.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The Council raises no concern about the proposed changes to the roof of the conservatory and I have no reason to take a different view. The officer report comments on the design of the extension but this is not reflected in the refusal reason. The main issue is the effect of the first floor rear extension on the living conditions of the occupiers of No 11 Wises Lane.

### Reasons

3. No 13 Wises Lane is a semi-detached dwelling attached to No 11. Both houses have full-width flat-roofed single-storey rear extensions of the same depth. No



13 has been further enlarged by a conservatory. The proposed first floor extension would be added to the masonry extension and its rear wall would therefore align with the rear ground floor walls of Nos 13 and 11.

4. The refusal reason is not specific but the officer report indicates that the Council's concern lies with the effect of the proposal on No 11 as regards light and outlook. The first floor extension would not be seen from the ground floor windows of No 11 and would therefore have no effect on outlook. The flank wall would be almost on the boundary with No 11 and would be in view from the two bedroom windows at first floor level.
  5. The Council's guidelines in *Designing an Extension A guide for Householders* (the guidelines) consider the effect of extensions on the light and outlook of neighbouring occupiers. The guidelines indicate that whilst single storey extensions of up to 3m may be acceptable first floor extensions should not exceed 1.8m. This advice is accompanied by an illustration of an extended dwelling between two un-extended houses.
  6. Whilst the proposal is a first floor extension its flank wall would be the equivalent of that of a single storey when seen from the bedroom windows of No 11. The pitched roof above would be angled away from No 11 and would have a limited effect on outlook from those windows. The rearward projection of 3m would not exceed the maximum for single storey extensions set out in the guidelines and in my view the proposal would not unacceptably harm the outlook from the rear bedrooms at No 11.
  7. The extension would be to the south of No 11 and would result in some overshadowing of the flat roof of No 11 and, to a limited extent, the first floor rear wall. However taking account of the relative height of the proposed extension as compared with the level of the rear windows I consider that the effect on daylight in the bedrooms would not be materially different from that which would arise from a 3m single storey extension on ground floor windows. Whilst the proposal would cast a shadow over the rear garden I consider that this would not materially diminish natural lighting in the ground floor rooms of No 11.
  8. The first floor extension would be seen when looking towards the houses from the rear garden of No 11; however whilst it would change the appearance at the rear it would not project beyond the ground floor rear wall of No 11. I consider that taking account of the existing extensions the proposal would not be an over-dominant structure and would not unacceptably harm the outlook from the rear garden.
  9. As I indicate above the first floor extension would result in some additional overshadowing of the garden at No 11; however taking account of the size of that garden and its relatively open aspect I consider that the living conditions of the occupiers of that dwelling as regards sun light reaching the garden would not be materially harmed.
  10. The proposal would not conflict with Policies E1 and E24 of *Swale Borough Local Plan 2008* that seek to ensure that residential amenity is protected.
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**Conclusion**

11. Taking account of all matters I have concluded that the proposal would not unacceptably harm the living conditions of the occupiers of No 11 Wises Lane as regards light and outlook and that the appeal should succeed. I have imposed the usual conditions governing the commencement of development and identifying the approved drawings. In order to ensure a satisfactory appearance I have imposed a condition requiring that the external materials should match those of the existing house.

*Clive Tokley*

INSPECTOR

