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## Appeal Decision

Site visit made on 17 January 2018

by **Timothy C King BA(Hons) MRTPI**

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

**Decision date: 31 January 2018**

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**Appeal Ref: APP/V2255/D/17/3183863**

**2 Howard Avenue, Sittingbourne, Kent ME10 2NS**

- 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 Mrs Wanda Meyer against the decision of Swale Borough Council.
  - The application Ref 17/503345/FULL, dated 26 June 2017, was refused by notice dated 21 August 2017.
  - The development proposed is a two storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the living conditions of the neighbouring occupiers, with particular regard to daylight/sunlight and any overshadowing.

### Reasons

3. The intended enlargement of this semi-detached dwelling would have two distinct elements. There would be a two-storey extension running virtually the dwelling's full width along with a single storey extension, set in from the common boundary with No 4. This is the only property potentially affected by the proposal.
4. The two-storey section would also serve as a link to incorporate the existing detached, side garage into the expanded footprint, resulting in a substantial and bulky form of development. No 4 has been extended by way of a conservatory feature but it is a very modest development compared to the current appeal proposal.
5. The Council's Supplementary Planning Guidance 'Designing an Extension – A Guide for Householders' (SPG) advises that, having regard to the potential impact on neighbouring properties, first floor extensions should not exceed a depth of 1.8m. Whilst some flexibility should reasonably be applied for such, given the varying types and sizes of dwellings and the individual circumstances involved, in this instance the two-storey addition, which would significantly exceed this guideline, would also sit very close to the common boundary.
6. This is a particular concern and I consider that the impact would be exacerbated due to the relative orientations of the two properties, with the appeal dwelling lying to the south east of No 4. The factors would compound, and when taken also with the additional projection of the single storey addition,

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the development would amount to an overbearing feature which would unduly effect the entry of daylight/sunlight to the neighbouring property and cause overshadowing.

7. I have taken into account the appellant's photographs supplied and also her comments as to how she feels the Council could have better dealt with the planning application. This might be the case but the representations made in support of the appeal do not affect my conclusions as to the consequential impact on the neighbouring occupiers.
8. I have also had regard to the appellant's requirements for additional floorspace. However, whilst I acknowledge her family's needs, I am not convinced that the proposal, as put forward, represents the only solution to this end. Besides, it does not outweigh the harm I have identified would result from the development.
9. I conclude that the proposal would be harmful to the living conditions of the neighbouring occupiers, and this would materially conflict with the objectives of Policies DM14 and DM16 of 'Bearing Fruits 2031: The Swale Borough Local Plan', in terms of safeguarding the residential amenities of neighbours, and also the Council's SPG.
10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR