



The Planning Inspectorate

## Appeal Decision

Site visit made on 23 January 2018

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2018

**Appeal Ref: APP/V2255/D/17/3185704**

**124 Athelstan Road, FAVERSHAM, Kent, ME13 8QW**

- 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 Michelle Taylor against the decision of Swale Borough Council.
- The application Ref. 17/502652/FULL, dated 10 May 2017, was refused by notice dated 11 July 2017.
- The development proposed is single-storey rear extension and alterations to existing front entrance and bay window.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the determination of the planning application the Council has adopted 'Bearing Fruits 2031: The Swale Borough Local Plan 2017', and Policies E1 and E24 of the adopted Swale Borough Local Plan 2008 referred to in the reason for refusal are no longer in force.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 122 Athelstan Road, with particular reference to outlook.

### Reasons

4. The appeal property is a semi-detached house in a group comprising dwellings of the same original design and form. A characteristic feature of these properties is a two-storey rear wing that spans semi-detached pairs, creating 'L' shaped properties. This creates a 'recessed' room in the main house that looks out towards the rear garden, the outlook from which is affected to some degree by the two-storey wings on the host house and neighbouring property. The two-storey wings of the appeal property and both neighbouring houses have been extended with single storey additions. In the case of 122 Athelstan Road (No.122), this means that the rear wing projects some distance beyond its recessed room in the main building.
5. Policies DM 14 and DM 16 of the Swale Borough Local Plan<sup>1</sup> (LP) both include the need for new development to protect residential amenity, and to cause no significant harm to amenity and other sensitive uses. LP Policy DM 14 requires proposals to accord with adopted guidance, and the proposed rear extension would exceed by some margin the 3 metre depth advocated in the Householder

<sup>1</sup> Bearing Fruits 2031: The Swale Borough Local Plan 2017

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Guide<sup>2</sup> (PDG5). Although the guide allows for some flexibility, the gap between the proposal and the shared boundary would be reasonably modest and would not be sufficient to offset the effect of the proposed depth. The combination of the proposed height and depth would appear unacceptably dominant on the outlook from No.122, and it would create an oppressive sense of enclosure.

6. I acknowledge that the proposal would not materially reduce daylight to No.122, nor affect windows of the neighbouring conservatories. However, I am not convinced that the removal of an existing side doorway would be of sufficient benefit to the privacy of all parties to justify the proposal, particularly as side-facing windows would be added closer to the shared boundary.
7. The appellant advises that the current occupant of No.122 is fully supportive of the proposal and that any future occupier of that property would be aware of the extension. However, the development should be designed to mitigate its impact on all current and future occupants of the neighbouring building, rather than requiring neighbouring occupants to make their own assessments.
8. The appellant has listed a number of extensions in the vicinity in support of the proposal. However, no details have been supplied of the size and design of the extensions, the planning permissions granted, or the reasoning behind their approval. As such, I am unable to gauge any direct comparison with the appeal proposal, and they therefore have limited weight in this appeal.
9. The rationale for the proposal is understood, but the benefits for the improved layout and accommodation of the appeal dwelling would be at the expense of the outlook from the neighbouring property. I note the appellant's view that a reduced extension depth would create a disjointed space, and that the design of the deeper extension would blend more fluidly with the property, but this would not outweigh the harm identified.
10. I am mindful that there is an option for the appellant to apply for prior approval for an extension up to 6 metres in depth<sup>3</sup>. However, it is not evident that such an application has been made or determined, and therefore for the purposes of this appeal it does not offer an implementable 'fallback' position.
11. I therefore conclude that the proposal would diminish the outlook for occupants of 122 Athelstan Road to a degree that their living conditions would be harmed, contrary to the aims of LP Policies DM 14 and DM 16 and the PDG5.

### Conclusion

12. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework includes always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. For the reasons given above the proposal would not comply with this principle and would not be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR

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<sup>2</sup> Planning and Development Guidelines No.5: Designing an Extension – A Guide for Householders.

<sup>3</sup> Until 30 May 2019