



Appeal Decision

Site visit made on 20 February 2018

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2018

Appeal Ref: APP/V2255/D/17/3187546

87 Sterling Road, Tunstall, Sittingbourne, Kent, ME10 1SN

- 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 Peter Rostron against the decision of Swale Borough Council.
 - The application Ref. 17/503200/FULL, dated 18 June 2017, was refused by notice dated 1 August 2017.
 - The development is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of occupants of 85 Sterling Road, with particular reference to outlook.

Reasons

3. The appeal property is a semi-detached single storey dwelling, located approximately south of the attached building, 85 Sterling Road (No.85). The single storey extension the subject of this appeal is in place, and has been built partly on the shared boundary with No.85. Although both properties have the same roof eaves and ridge height, the flat roof of the extension has been constructed above the eaves and guttering.
4. Local Plan¹ (LP) Policy DM 14 requires that all development proposals do not cause significant harm to amenity and other sensitive uses, and also that they accord with adopted Supplementary Planning Documents and Guidance. LP Policy DM 16 also requires that, amongst other criteria, extensions must protect residential amenity. To this end, the Council's Guideline No.5, 'Designing an Extension: A Guide for Householders' (SPG5), seeks to limit the depth of single storey rear extensions to a maximum 3.0 metres, although it advises that the projection may be greater if built away from the boundary, or if the neighbouring property is set further back or has been extended.
5. In this context, the combination of the height and depth of the extension and its siting at the boundary has resulted in an oppressive addition which dominates the outlook from the living room of No.85. The roof design, with the flat roof constructed above the eaves line of the original dwelling, materially adds to the height of the addition on the boundary, and this extension wall

¹ Bearing Fruits 2031: The Swale Borough Local Plan 2017

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creates an unacceptable degree of enclosure which undermines the outlook from and enjoyment of the neighbouring property. The impact is exacerbated by the orientation.

6. I am mindful that a smaller rear extension may have been constructed in the same location without the need for express planning permission², and this would also have had some impact on the outlook for occupants of No.85. However, such a development would have been materially lower in height than the extension which has been constructed, and this combined with the increased depth leads me to conclude that the appeal development results in an unacceptable level of harm which would not otherwise have occurred. Although the appellant indicates that consideration would be given to reducing the flat roof height of the extension, this is not shown on the plans before me, and is not a matter which could reasonably be addressed in a planning condition.
7. The appellant has drawn attention to other extensions in the area, and specifically to three properties. However, whilst the planning application numbers have been provided there is limited information regarding the specifics of those developments. In the absence of more details I am unable to gauge similarities with the appeal development and as such these have had limited bearing in this decision.
8. I note the Council's view that the extension amounts to intentional unauthorised development, but also the appellant's contention that the building contractor was supplied with clearly dimensioned drawings showing maximum dimensions for an extension under 'permitted development'. However, given the harm which I have identified this is not a determinative factor.
9. I conclude that the development undermines the outlook for occupants of 85 Sterling Road to a degree that their living conditions are, and would be, harmed, contrary to the aims of LP Policies DM 14 and DM 16, and the SPG5.

Conclusion

10. 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 is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, but for the reasons given above the development does not comply with this principle and is not sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR

² By virtue of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.