



Appeal Decision

Site visit made on 31 July 2018

by **Alex Hutson MATP CMLI MARborA**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2018

Appeal Ref: APP/V2255/D/18/3201070

1 Mill Cottages, Mill Lane, Hartlip ME9 7TD

- 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 Taylor against the decision of Swale Borough Council.
 - The application Ref 17/506157/FULL, dated 27 November 2017, was refused by notice dated 5 February 2018.
 - The development proposed is single and double storey extension to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for single and double storey extension to the rear at 1 Mill Cottages, Mill Lane, Hartlip ME9 7TD in accordance with the terms of the application, Ref 17/506157/FULL, dated 27 November 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Layout ID 01A; and Layout ID 02.
 - 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 main issue is the effect of the proposal on the living conditions of the occupiers of 2 Mill Cottages and Aurea, with particular regard to outlook.

Reasons

3. The appeal property is a two-storey semi-detached dwelling. It adjoins 2 Mill Cottages to the north and Aurea, a two storey detached dwelling lies to the south. The proposal seeks to erect a part single/part two storey rear extension. The single storey extension would span almost the full width of the appeal property and would have a depth of approximately 4 metres (m). The two storey extension would be of less width and would have a depth of approximately 2.9m.
4. The Council considers that the single storey extension would appear overbearing for the occupiers of 2 Mill Cottages and that the two storey extension would appear overbearing for the occupiers of Aurea.

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5. The adjoining property, 2 Mill Cottages, has a ground floor rear facing window close to the shared boundary with the appeal property. The single storey extension would be set back only marginally from the shared boundary and would thus provide some enclosure to this window. However, this window serves a kitchen. Kitchens are not normally considered to be a main habitable room of a house. Therefore outlook from it is likely to be less important for the occupiers of 2 Mill Cottages than outlook from other habitable rooms which are more likely to be used for sitting down and relaxing and thus for longer periods of time.
6. In any event, I am aware that the Council recently considered an application¹ for a single storey rear extension at the appeal property, of a similar width but of a greater depth to the one I am to consider, to be permitted development and not to require prior approval². This scheme, which would extend built form further along the boundary with 2 Mill Cottages, represents a valid and extant fallback position.
7. The appeal property and Aurea are both set away from their shared boundary. The degree of separation between these properties is sufficient for the depth and height of the two storey extension not to provide any material enclosure to any first floor rear windows or ground floor rear patio doors of Aurea. Thus it would not appear overbearing for the occupiers of this property when using the rooms that these windows and doors serve. This is notwithstanding that the rear elevation of the appeal property steps back slightly from that of Aurea. I also note that the occupiers of Aurea are in support of the proposal.
8. Moreover, the Council has recently issued a Lawful Development Certificate³ in respect of a two storey rear extension at the appeal property. This scheme represents a valid fallback position. The two storey extension I am to consider would not be significantly different in overall height and scale. It would thus not have a substantially different relationship with Aurea and would not have any materially greater effect on outlook for the occupiers of this property.
9. I therefore conclude that the proposal would not result in harm to the living conditions of 2 Mill Cottages and Aurea with regard to outlook and would not have an adverse effect on their enjoyment of their properties.
10. It would therefore comply with Policies CP4, DM11, DM14 and DM16 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017. These policies require, amongst other things, development to be appropriate to its surroundings, to be of an appropriate scale, mass and appearance, to cause no significant harm to amenity and to protect residential amenity.
11. The guidance of the Swale Borough Council: Designing and Extension: A Guide for Householders (date not known) (DEGH) advises that single storey rear extensions should be of a depth not greater than 3m and, in respect of first floor extensions, 1.8m. The proposal would exceed these recommended depths and would therefore conflict with the advice of the DEGH in this regard. Nonetheless, for the reasons given, I consider the proposal would be acceptable with regard to neighbour living conditions, which is the thrust of what the DEGH is aiming to achieve.

¹ Ref 18/501033/PNEXT

² Under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

³ Ref 18/501025/LAWPRO

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Conclusion

12. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR