



Appeal Decision

Site visit made on 11 December 2018

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2018

Appeal Ref: APP/V2255/D/18/3212217

36 The Glen, Minster on Sea, Sheerness Kent ME12 2SD

- 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 Brian Simpson against the decision of Swale Borough Council.
 - The application Ref: 18/501924/FULL dated 24 April 2018, was refused by notice dated 28 June 2018.
 - The development proposed is single storey side and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extensions at 36 The Glen, Minster on Sea, Sheerness Kent ME12 2SD in accordance with the terms of the application, Ref: 18/501924/FULL dated 24 April 2018, 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: TC/0071/PP/01; TC/0071/PP/02; TC/0071/PP/04; TC/0071/PP/05; TC/0071/PP/06; TC/0071/PP/07; TC/0071/PP/08; TC/0071/PP/09.
 - 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's reason for refusal was specific to the effect of the proposed rear extension on the living conditions of the neighbours at No 34 The Glen. The Council raised no concerns regarding the effect of the side and rear proposal on the living conditions of the neighbours at No 38 The Glen or on the character and appearance of the local area. From all the material before me as well as my site visit, I have no reason to take a different view. Accordingly, the main issue in this appeal is the effect of the proposal on the living conditions of the neighbours at 34 The Glen, with particular regard to outlook.

Reasons

3. The appeal property is a semi-detached chalet bungalow on the north-eastern side of The Glen and within a predominantly residential area, with a mix of

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Appeal Decision APP/V2255/D/18/3212217

detached and semi-detached two storey houses, chalet bungalows and bungalows. The proposal would wrap a single storey extension along the side and rear of the property, with a depth, according to the submitted plans of 5.5 metres to the rear of the existing property and leaving a 1 metre gap to the attached property at No 34. The rear extension would have a flat roof with a lantern rooflight, whereas the side extension would have a shallow hipped roof with central crown section. The existing shed/garage to the rear would be reduced to 3m in length.

4. The proposal would not accord with all the detailed guidance in the Council's adopted Supplementary Planning Guidance 'Designing an Extension: A Guide for Householders' and in particular that rear extensions should not exceed 3m in length, although it indicates that a larger extension may be acceptable where an extension is to be built away from the boundary. The Council has suggested that for every 1m offset from the boundary an additional 1metre in length would be acceptable but the basis for this assertion is not clear.
5. Although the proposed rear addition would extend some 5.5m from the rear wall of the property with a 1 metre offset from the boundary, it would be of modest height with a flat roof. I have taken into account the windows at the rear of the adjoining property and their outlook to the rear as well as the existing solid boundary treatment between the properties. As a result of all these factors and considered together with the modest height of the proposal and the proposed gap to the boundary, I do not consider that the rear extension would materially affect the living conditions of the neighbours, with particular regard to being overbearing and visually intrusive, both from windows at the rear as well as their rear garden. It would not therefore result in an unacceptable loss of outlook for the neighbours at No 34.
6. I therefore conclude that the proposal would not harm the living conditions of the adjoining neighbours at No 34, with particular regard to loss of outlook. There would be no conflict with Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 as well as the National Planning Policy Framework all of which seek for proposals to be of a high quality design and respect the amenities of existing and future occupiers. The proposal would not fully accord with all the guidance in the SPG, but in the particular circumstances of this case, I am satisfied that there would be justification for an exception to be made to this guidance.
7. I have also been provided with a prior notification decision notice issued by the Council under its reference 18/503966/PNEXT dated 6 September 2018, which confirmed that prior approval is not required for a single storey rear extension extending 5.5 metres beyond the rear wall of the appeal dwelling, with a height of 2.6 metres at the eaves from the natural ground level, and offset from the common boundary with No 34. However, as I have concluded the proposal before me would not harm the living conditions of the neighbours at No 34, I do not need to address this 'fallback' position.

Conditions and Conclusion

8. In terms of conditions, I agree with the standard conditions proposed by the Council. Matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area. I also agree that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

Appeal Decision APP/V2255/D/18/3212217

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

L J Evans

INSPECTOR