



The Planning Inspectorate

Appeal Decision

Site visit made on 19 March 2019

by **Rajeevan Satheesan** BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2019

Appeal Ref: APP/V2255/W/18/3216480

20 East Street, Sittingbourne ME10 4RT

- 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 A Celik against the decision of Swale Borough Council.
 - The application Ref 18/503471/FULL, dated 29 June 2018, was refused by notice dated 20 September 2018.
 - The development proposed is described as: demolition of existing single storey rear extension, new loft floor with mansard roof and two storey rear extension, conversion of upper floors into 3x1 bed and 1x2 bed residential units
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the mansard roof extension upon the character and appearance of the host building and the area.
 - Whether the proposed development would provide acceptable living conditions for future occupiers of the new flats and the neighbouring occupiers of No 22 East Street with regard to privacy.

Reasons

Character and appearance

3. The appeal site is a two-storey end of terrace building with a front parapet. Whilst there are a number of properties in the locality that have extended their roofs with dormer windows, the mansard roof extension proposed here is not characteristic of the area. Furthermore, the proposed mansard would be poorly related to the host building, with the side and rear dormer windows not matching the position of windows on the floors below. Despite the height and position of the existing front parapet, the mansard would be an unduly prominent and incongruous feature, which would be clearly visible from the street, and from a number of neighbouring properties.
4. I consider therefore that the proposed development would adversely affect the character and appearance of the building and the area. This would conflict with Policies CP4 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan, 2017 (LP). Amongst other things, these require all developments to be of a

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high quality design that is appropriate to its surroundings, and conserve and enhance the built environment. I also find that the proposal conflicts with the design objectives of the National Planning Policy Framework (Framework), which seek to improve the character and the quality of areas.

Living conditions for future occupiers of the new flats and neighbouring occupiers of No 22 East Street with regard to privacy

5. The Council's reason for refusal relates to the new windows at first and second floor level in the side elevation facing towards No 22 East Street. It submits that these would lead to harmful overlooking of both the proposed four new flats in the appeal building and the existing flats at No 22. The appellant has suggested the use of obscure glazing to overcome this issue. However, this would not be appropriate as most of the windows would serve habitable rooms (bedrooms and living rooms) and therefore the use of obscure glass would result in poor outlook for future occupiers of the new flats.
6. Whilst it is acknowledged that there are some existing windows at first floor level in the appeal building which face towards No 22, additional windows are proposed at first and second floor levels which would be close to existing neighbouring residential windows at No 22. The elevated position, size and location of these new windows, would result in intrusive overlooking and loss of privacy to existing occupiers of No 22 as well as future occupiers of the appeal building. This would harm their living conditions, contrary to Policies CP4, DM14 and DM16 of the LP, which, amongst other things, requires all developments to be of a high quality design that is appropriate to its surroundings and protect residential amenity. The proposal would also conflict with paragraph 127 of the Framework, which states that development should ensure high standards of amenity are created for future as well as existing users.

Planning balance

7. There is no dispute that the Council cannot currently demonstrate that it has a 5 year housing land supply (HLS). The Council state that following the outcome of the Housing Delivery Test (HDT) they now have a 4.6 years supply which equates to a shortfall of approximately 400 dwellings per year. Irrespective of the extent of any shortfall the proposed development would provide a net gain of four additional flats. As such, its contribution to the HLS would be modest and therefore I consider that it would only be of small benefit in this regard. The social and economic benefits associated with providing four flats would also be negligible. I recognise that the site is in centre of Sittingbourne with access to local shops and services. I also note that the appellant states that the development provides generous living standards with good levels of daylight and would improve the thermal insulation and efficiency of the building. However, the adverse impacts of the proposed development in terms of the harm to the character and appearance of the area and to the living conditions of future occupiers and neighbouring occupiers would significantly and demonstrably outweigh the small benefit of four additional properties.

Other Matters

8. I acknowledge that the Council has not raised concerns regarding the effects on the setting of the nearby Grade II listed terrace at Nos 10, 12 and 14 East Street. Based on my site visit I would concur with the Council and in accordance with Section 66(1) of the Planning (Listed Buildings and

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Conservation Areas) Act 1990, (the Act) I conclude that the appeal development would not have a significantly unacceptable impact on the setting of the nearby listed buildings.

9. I note that objections have also been raised by a third party with regards loss of privacy of the new building currently being built at the rear of No 22. The Council have advised that windows in this new neighbouring building which face towards the appeal building would be kitchen windows, fitted with obscure glass and therefore would not be affected by appeal proposals. As such, based on the evidence before me, it is not necessary for me to further consider privacy to the occupiers of this new neighbouring building.
10. The site is within 6km of the Special Protection Area (SPA). Natural England advise that new dwellings within 6km of the SPA can have a detrimental impact on it, due to increased recreational use, and therefore mitigation should be secured if permission is granted. However, as the appeal is dismissed for other reasons, I do not need to consider this issue at this time.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR