



Appeal Decision

Site visit made on 4 June 2019

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2019

Appeal Ref: APP/V2255/D/19/3224992
12 Laxton Way, Faversham, Kent ME13 8LJ

- 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 Amy Klosek against the decision of Swale Borough Council.
 - The application Ref 18/506632/FULL was refused by notice dated 21 February 2019.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of No. 14 Laxton Way, with particular reference to visual impact.

Reasons

3. The proposed side extension would be situated above an existing side projection. The side elevation would comprise a solid brick wall with no openings and two pitched roofs at a lower level than the existing main ridge. It would provide two additional bedrooms at first floor level.
4. The front of the adjacent dwelling at No. 14 Laxton Way faces towards the side of the appeal property. These properties are separated by a footpath. Due to the close proximity, height and design of the proposal, I consider that it would have an overbearing visual impact on occupiers of No. 14 Laxton Way. In particular, as the front of that neighbouring property would be facing a tall blank elevation wall, I consider this would be an extremely dominant overbearing extension.
5. In reaching my conclusion, I have had regard to all matters raised. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I note the family circumstances,

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including the restrictions of the existing staircase and the intention to convert one of the bedrooms into a large bathroom for necessary space required. However, the proposal before me is for two additional bedrooms and not for a larger bathroom or altered staircase. I do not consider the proposed two bedrooms to be essential accommodation and it does not follow from the PSED that the appeal should succeed.

6. The appellant has stated that the current owners and prospective buyers of No. 14 Laxton Way support the proposal. Nevertheless, it is necessary to consider the effect of the proposal on the living conditions of any future occupiers, in the interest of good planning.
7. I conclude that the proposal would have an adverse effect on the living conditions of occupiers of No. 14 Laxton Way. Thus, the proposal would be contrary to Policies CP4, DM14 and DM16 in Bearing Fruits 2031: The Swale Borough Local Plan (2017), where they seek to protect residential amenity and ensure high quality design appropriate to the context. I consider these Policies are broadly consistent with the National Planning Policy Framework, particularly where the Framework seeks to protect residential amenity.

J L Cheesley

INSPECTOR