

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

Copies of the Inspector's appeal decisions area attached.

- **Item 5.1** - Site at Warren Farm, (Sheppey Animal Rescue), Warden Road, Eastchurch, Sheppey, ME12 4HD

Full support for the Council's decision.

- **Item 5.2** - 28 Brier Road, Sittingbourne, ME10 1YJ

A disappointing decision which downplays the actual impact of the extension on the neighbours' amenities.

- **Item 5.3** - Land at Littles Farm, Faversham, ME13 8XZ

Full support for the Council's decision.

Appeal Decision

Site visit made on 16 October 2014

by **S Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2014

Appeal Ref: APP/V2255/D/14/2224943

28 Brier Road, SITTINGBOURNE, Kent, ME10 1YJ

- 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 & Mrs Andrew & Jane Martin against the decision of Swale Borough Council.
 - The application Ref SW/14/0596 was refused by notice dated 9 July 2014.
 - The development proposed is the demolition of existing single storey kitchen extension and providing a ground floor extension with an open plan dining room with vaulted ceiling. The bathroom and cloakroom windows are changed.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension (single storey-vaulted ceiling) at 28 Brier Road, Sittingbourne, Kent, ME10 1YJ in accordance with the application SW/14/0596, dated 3 May 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin within three years of the date of this decision.
 - 2) The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans, Drawing Nos. 085/P1 and 085/P2, dated 04/14.
 - 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.

Procedural matter

2. The Council simplified the description of the development from that on the application form and set out above to 'rear extension (single storey-vaulted ceiling)'. I consider this is an accurate and succinct description of the proposal and have therefore used it in this decision.

Main issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupants of No 30 in relation to visual intrusion and loss of outlook.

Reasons

4. No 28 is a semi-detached house on a modest-sized plot. It has already been extended to the side and at the rear. The existing single-storey rear extension, which has a mono-pitched roof, projects about 3m from the original rear elevation along the shared boundary with No 30. The proposal seeks to replace this existing

extension with a more substantial one that would occupy almost the full width of the rear elevation. The proposed extension would project just over 4.5m beyond the existing rear elevation and would have a pyramidal hipped roof.

5. The flank wall of the existing extension varies in height from approximately 2.5m at the eaves to over 3m where the roof meets the rear elevation. The eaves height of the proposed extension would also be about 2.5m, but the roof would slope away from the shared boundary. Although its maximum height would be 3.66m, the ridge would be well away from the boundary. Consequently, the new structure would appear less dominant from the house and garden of No 30 than the existing extension. The new flank wall would be no longer or taller than the current one, as the additional 1.5m depth would be set in from the boundary by over 1m. The corners of the roof would project beyond the walls, supported on each side by a slender pillar. This would give the extension a light and less bulky appearance.
6. I note that the occupants of No 30 have not raised an objection to the proposal. On my site visit I saw the existing extension from their rear garden and was able to consider the effects of the proposal on this adjoining property. I looked through the French doors that serve the dining room and stood on the patio at No 30. These observations satisfied me that the proposed extension would not result in a material loss of outlook or a significant increase in enclosure for these neighbours.
7. The Council's Supplementary Planning Guidance: *Designing an Extension – A Guide for Householders*, recognises the importance of having regard to the outlook from neighbouring properties. It states that outwards projections of rear extensions are normally limited to 3m along a common boundary. Even though the roof would project some 4.5m beyond the rear elevation, a pillar, rather than a solid wall would support its outer corner. This would reduce its visual impact on the adjoining property. In other respects the proposed extension would comply with the guidance.
8. I conclude that the proposed extension would not be harmful to the living conditions of the occupants of No 30, arising from any material increase in visual intrusion or loss of outlook. It would comply with saved Policies E1 and E24 of the Swale Borough Local Plan, which seek to ensure that development does not cause demonstrable harm to residential amenity.
9. I therefore consider that the appeal should succeed. In addition to the standard time limit a materials condition is required in the interests of the appearance of the development. A condition specifying the plans is needed for the avoidance of doubt and in the interests of proper planning.

Conclusion

10. For the reason given, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR