



The Planning Inspectorate

Appeal Decision

Site visit made on 13 January 2020

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/V2255/D/19/3240474

61 Playstool Road, Newington ME9 7NL

- 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 Rosaria Rodrigues against the decision of Swale Borough Council.
 - The application Ref 19/502206/FULL, dated 29 April 2019, was refused by notice dated 14 August 2019.
 - The appeal development is the erection of a single storey rear extension, first floor rear extension, loft extension and lean to roof at front and side of dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's surname on the appeal form is different to the name listed on the application form. I am satisfied that the appellant, Mrs Rosaria Rodrigues, made the planning application and is therefore entitled to make this appeal.
3. The Council previously granted planning permission for a similar although smaller-scale proposal at the appeal site¹. A somewhat different and larger-scale scheme has been constructed and the appellant sought planning permission retrospectively for these works, which was refused by the Council and which is the subject of this appeal.
4. Whilst it is clear from the evidence² that the appeal concerns the development that has been constructed, I am not satisfied that this is fully shown on any of the submitted drawings. There is considerable confusion from the Council regarding the plans that it considered in refusing planning permission, with two inconsistent drawings referenced³. Furthermore, the Council states that it is not certain if either of the drawings show what has been constructed, but that it considers both to be unacceptable.
5. With reference to the issue that is disputed between the main parties, the 3-storey, rear gable extension, the appellant considers drawing Ref. BLC/61 PLAYSTOOL ROAD/03 to be accurate in this respect and the development shown on this drawing is referenced in the Council's officer report.

¹ LPA Ref. 16/503414/FULL

² Including the description of development on both the Application Form and the Council's Decision Notice, and at paragraph 3.1 of the appellant's statement and the Proposal section of the Council's officer report.

³ Drawing Refs. BLC/61 PLAYSTOOL ROAD/03 and BLC/61 PLAYSTOOL ROAD/04

Appeal Decision APP/V2255/D/19/3240474

6. I have therefore determined the appeal on the basis of the development shown on this drawing, which I am satisfied the Council had regard to in refusing planning permission.

Main Issue

7. The main issue is the effect of the appeal development on the living conditions of nearby occupiers, with particular regard to outlook and natural light.

Reasons

8. The appeal building is one of a pair of semi-detached dwellings (Nos 61 and 63) on the western side of Playstool Road, on the edge of Newington. Playstool Road has a generally north-south axis, although No 61 is positioned somewhat further west than No 63. No 61 is also positioned to the south of No 63.
9. The rear gardens of Nos 61 and 63 are separated by a solid timber panel fence, with a trellis structure, some 2.0 metres high. 63 Playstool Road incorporates a number of extensions to its side and rear, including a single-storey, flat-roofed brick extension that projects a similar distance from the main rear elevation as the ground floor, brick extension at the rear of the appeal building. Attached to the end of the rear extension at No 63 is a lightweight, L-shaped, glazed extension, set away from the property boundary with No 61.
10. In 2016, planning permission was granted for various substantial extensions at 61 Playstool Road⁴. The appeal development differs from the approved development in a number of respects.
11. Drawing Ref. BLC/61 PLAYSTOOL ROAD/03 shows the previously approved hip-to-gable extension to the main roof of the appeal building, together with a 3-storey, rear, gable extension. The 3-storey gable extension would project some 3.4 metres from the main rear elevation, the same distance as previously approved and partly above the existing single-storey brick extension. Its ridge height would be level with the ridge height of the main building and its eaves height would be above the original eaves, some 0.7-0.9 metres higher than previously approved.
12. The 3-storey gable extension would be set back from the boundary with No 63 by some 1.3-1.4 metres, as previously approved. This would allow for a sloping tiled roof over the existing rear ground floor extension to the original eaves level of the main building, again higher than previously approved.
13. The height, massing and position of the rear 3-storey, gable extension and the sloping roof next to it, would have an overbearing impact. They would reduce natural light to, and outlook from, the first floor rear habitable window of No 63, closest to the property boundary. Moreover, the position of No 61, to the south and slightly to the west of No 63, would accentuate these impacts in terms of natural light.
14. I note the references to the Council's Supplementary Planning Guidance – *Designing an Extension – A Guide for Householders* February 2011 (SPG), regarding the scope for first floor rear extensions to project 'slightly' more than the distance specified, provided that they are set back from the property

⁴ LPA Ref. 16/503414/FULL

Appeal Decision APP/V2255/D/19/3240474

- boundary. I also note how the Council has applied this part of the SPG in this case.
15. However, the rear gable extension has three storeys not two, with a consequently greater impact that is not directly covered in the SPG. This does not, therefore, cause me to reach a different conclusion with regard to the harm that would be caused by the appeal development, as set out above.
 16. Furthermore, the greater height and massing of the rear sloping roof next to the boundary with No 63, means that I am not satisfied that the '45 degree rule' referred to by the appellant would show an acceptable impact of the appeal development in terms of natural light and outlook. The '45 degree rule' is not contained in the development plan or the SPG, and in any event would not be determinative in itself.
 17. The appellant has provided no substantive evidence to support their statement that because of the 'orientation of the first-floor rear extension to the south east, the additional eaves and ridge height would not cause increased overshadowing'⁵. As set out above, this is not a view that I share.
 18. Whilst the approved scheme would have had some impact in terms of reduced natural light and outlook for the occupiers of No 63, the increased height and massing of the rear gable extension and the rear sloping roof adjacent to it, would worsen this.
 19. For these reasons, the appeal development would adversely affect the living conditions of nearby occupiers with particular regard to outlook and natural light. It would, therefore, conflict with Policies CP4 (requiring good design), DM14 (general development criteria) and DM 16 (alterations and extensions) of Bearing Fruits 2031: The Swale Borough Local Plan, with guidance contained in the SPG and in Chapter 12 – Achieving well-designed places, of the National Planning Policy Framework 2019.

Conclusion

20. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁵ Paragraph 6.15 of the Appellant's statement