



Appeal Decision

Site visit made on 11 March 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2020

Appeal Ref: APP/V2255/D/20/3244113

10 Coleman Drive, Sittingbourne, Kent ME10 2EA

- 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 C Brooks against the decision of Swale Borough Council.
 - The application Ref 19/504794/FULL, dated 23 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 10 Coleman Drive, Sittingbourne, Kent ME10 2EA in accordance with the terms of the application, 19/504794/FULL, dated 23 September 2019, 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: Site Location Plan, Existing Block Plan, Proposed Block Plan and RA1339/REV C/01
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of the development used in the banner heading and the description above have been taken from the application form and the appeal form. Although the Council used a different description of development that included additional works that were shown on the submitted plans, neither of the parties have provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application form which reflects the development for which planning permission was sought.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of the neighbouring dwelling of 12 Coleman Drive, with particular regard to loss of light and outlook.

Reasons

4. The appeal site is located within a residential area that features detached and semi-detached dwellings of similar age, that are generally of consistent scale and have repetitive architectural features. The pair of semi-detached dwellings of 10

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and 12 Coleman Drive appear to be handed replicas of each other with the main rear elevations being aligned, albeit a conservatory has been erected at the rear of the dwelling at the appeal site. The rear elevation of 12 Coleman Drive features two openings at ground floor level, with the closest to the appeal site appearing to serve a living room and the other serving a kitchen. The gardens of the two dwellings are separated by a line of fencing.

5. The proposal would involve the removal of the conservatory and the erection of a single storey extension. The extension would have a flat roof and would be in close proximity to the boundary that is shared with 12 Coleman Drive.
6. Although the rear extension would project a substantial distance beyond the rear elevation of the neighbouring dwelling and be visible above the established boundary treatments, the height of the extension and its flat roof design would limit the effect of the development on the outlook from within the adjacent part of the garden and the living room that is close to the shared boundary. Moreover, due to the orientation of the neighbouring dwelling and the size of the garden serving that dwelling, the extension would not cause the occupiers of the adjacent living room to experience a significant sense of enclosure. As such, the extension would not be oppressive or have an overbearing effect to an extent that it would have a harmful impact on the overall living conditions of the occupiers of the neighbouring dwelling.
7. Moreover, although it is a deep extension, due to its appropriate height and the orientation of the dwellings, it would not cause a reduction of daylight or sunlight within the neighbouring dwelling to an extent that would unduly undermine living conditions within the neighbouring dwelling.
8. By exceeding a depth of 3 metres, the proposal does not accord with the limitations that are set out at paragraph 5.7 of the Council's Designing an Extension Supplementary Planning Guidance¹ (The SPG) and therefore does not accord with those parts of policies CP4 and CM14 of the Swale Borough Local Plan² (SBLP) which require developments to comply with the SPG. However, I do not find that the proposal would conflict with the overall aim of that restriction which is to protect the outlook, sunlight and daylight that is available to the occupiers of neighbouring dwellings.
9. I therefore conclude that the development would not have a harmful effect on the living conditions of the occupiers of 12 Coleman Drive. Accordingly, the proposal accords with those parts of policies CP4, DM14 and DM16 of SBLP which require that development protects and causes no significant harm to residential amenity and is of high design quality that is appropriate to its surroundings.

Conclusion and Conditions

10. I conclude that the appeal should be allowed subject to the conditions set out above. I have attached a condition to require the development to be undertaken in accordance with the submitted plans in the interests of clarity. Another condition requires the development to be undertaken utilising materials that match the existing dwelling in the interests of maintaining the character and appearance of the existing dwelling and the locality.

Ian Harrison

INSPECTOR

¹ Designing an Extension: A Guide for Householders Supplementary Planning Guidance.

² Bearing Fruits 2031: The Swale Borough Local Plan (2017)