
Appeal Decision

Site visit made on 23 December 2014

by **A Banks BA(Hons) DipUD PGCM MRTPI**

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

Decision date: 6 January 2015

Appeal Ref: APP/V2255/A/14/2226837

18 Bayford Road, Sittingbourne, Kent ME10 3AD

- 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 Jean Straight against the decision of Swale Borough Council.
 - The application Ref SW/14/0146, dated 6 February 2014, was refused by notice dated 5 September 2014.
 - The development proposed is demolition of rear barn, garage block & covered ways, together with the side conservatory structures, with the construction in lieu of 2 No. proposed houses, both attached to the current site dwelling to create a terrace, the construction of a rear single-storey extension to the current site dwelling & the undertaking of all external works associated with the development, including bin storage space and some off-road car parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Jean Straight against Swale Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. No representative for the Council attended the site visit. With the agreement of the appellant I therefore conducted the site visit unaccompanied.

Main Issues

4. The main issues are the effect of the proposed development:
 - on the living conditions of the occupiers of No 22 Bayford Road, with particular regard to sunlight and outlook; and
 - on highway amenity and safety.

Reasons

Living conditions

5. No 22 Bayford Road is the northern neighbour of the appeal property. In part its southern elevation runs immediately along the boundary with the appeal site and in part it steps slightly inwards away from the boundary. A number of windows are located within this southern elevation facing towards the appeal site. Most are located in the part of the dwelling that is slightly further away
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from the boundary. One, which I saw is the only window serving a bedroom, is located within the elevation that is on the boundary.

6. The proposal would result in a new dwelling between No 22 and No 18, the existing dwelling on the appeal site. Similar to No 22, the proposed new dwelling would feature a dog leg shape. But it would not mirror that of No 22, as at its closest point the proposal's northern elevation runs further back along this boundary. The appellant has not contested the Council's estimation that in respect of this part of the proposal the new dwelling would only be 1.6m away from the boundary. This part is two-storey and I consider its proximity and position to the south of No 22 would prevent sunlight to the only window which serves a bedroom in this location. In addition, I consider it would also reduce light to the next door bedroom in No 22 which has an east facing window. It would thus turn two habitable rooms into dark and gloomy spaces. In my opinion, the photos showing the shadow created by the existing development at the appeal site supports this consideration.
7. Whilst I acknowledge that there are examples of other dwellings in the street where the gaps between buildings are narrow, I did not notice any that also had windows within them. To this end I consider that the proximity of the proposal would also have an overbearing and oppressive impact in terms of outlook for the occupiers of No 22.
8. Consequently I conclude that the proposed development would adversely harm the living conditions of the occupiers of No 22 Bayford Road, with particular regard to sunlight and outlook. Therefore it would be contrary to Saved Policy E1 of the Swale Borough Local Plan 2008 (LP) and the National Planning Policy Framework insofar as these seek to pursue good design and a good standard of amenity for all existing occupants.

Highway safety

9. Bayford Road is a narrow no-through road. There are few parking restrictions in the street and most properties have no off-road parking provision. Therefore the proposed development would not be very different to many of the properties in the road. When I visited the site, late morning on a week day, I saw that most of the road was taken up with parked vehicles on both sides. I acknowledge that this may cause an inconvenience for residents and other road users, including larger service and emergency vehicles. However, I consider that the proposal would not make a significant difference to the current situation. Added to this the site is in an accessible location, not far from the town centre and other facilities and I note that the Highway Authority has confirmed it has no objections.
10. I conclude that the proposed development would not result in unacceptable highway amenity or safety concerns, contrary to LP Saved Policy T3 which seeks appropriate parking provision. However this does not outweigh the harm I have found regarding the impact on the living conditions of the occupiers of No 22 Bayford Road.

Other matters

11. I have considered the other concerns raised by residents, including the loss of a historic barn, bats, noise, security, privacy, maintenance, dust and debris and foundation disturbance during demolition and construction. But, based on

the information before me, these matters would not constitute reasons to dismiss the appeal.

12. The appellant claims that the removal of the commercial use and existing large buildings on the site would have significant benefits. A matter that was given weight by the officer in the committee report when considering the impact of the proposal on the living conditions of the occupiers of No 22 Bayford Road. The removal of the buildings, which are in a dilapidated condition, would improve views of the site from surrounding properties. However, as the photographs sent in by the neighbour indicate, the current buildings have little impact on their property's levels of sunlight. Furthermore I have insufficient information to determine that a commercial use would be particularly, or more, harmful. Therefore I give little weight to this argument.

Conclusion

13. For the above reasons and taking account of all matters raised, I therefore conclude that the appeal should be dismissed.

A Banks

INSPECTOR