



The Planning Inspectorate

Appeal Decision

Site visit made on 19 January 2023

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/V2255/D/22/3304011

77 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 Mr Michael James against the decision of Swale Borough Council.
 - The application Ref 22/500887/FULL, dated 20 February 2022, was refused by notice dated 19 May 2022.
 - The development proposed is the "erection of a conservatory (retrospective)".
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Preliminary matter

1. On the application form the conservatory is indicated to be retrospective. However, this term is not an act of development and I have excluded it from the description in my decision below. Despite the development having already taken place I must consider this appeal strictly on its own planning merits.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a conservatory, at 77 Playstool Road, Newington ME9 7NL, in accordance with the terms of the application, Ref 22/500887/FULL, dated 20 February 2022 and the plans Ref: 97/22/02/1 Revision PO.

Main issue

3. The main issue in this appeal is the effect on the living conditions of the occupiers of the attached dwelling at 79 Playstool Road, with particular regard to outlook, overshadowing and daylight.

Reasons

4. The appeal concerns a semi-detached dwelling with a single storey below eaves level. The Council's Supplementary Planning Guidance (SPG), Designing an Extension, A Guide for Householders, is referred to in the reason for refusal. This indicates that single storey rear extensions should have a maximum projection of 3m to the rear when close to the boundary between properties.
5. The conservatory has been built abutting the boundary with the attached dwelling, while also projecting 3.8m beyond the flush rear elevations of both properties. It is adjacent to the patio and a window that serves a living room at the neighbouring property.

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6. I acknowledge that the conservatory is directly south of the attached property. However, sunshine would still be received to some extent over the top of it, especially at times of the year when the sun is higher in the sky. This is confirmed by the photograph from the neighbouring occupier, which shows that a significant amount of sunshine still reaches the lounge window despite the proximity of the adjacent development and its position to the south. It is also the case that sunlight would still reach a significant part of the patio, which is relatively wide.
7. In any event, the single storey addition is flat roofed and I saw at my site visit that the top is only at about eaves level, so that its height and bulk are particularly modest. In consequence, this prevents any unacceptable reduction in outlook or daylight and there has also been no unacceptable overshadowing caused by the development. In all the above circumstances, it is concluded that the living conditions of the occupiers of the attached dwelling have not been harmed.
8. The conservatory is in conflict with the SPG as it exceeds the maximum depth by 0.8m. Nevertheless, given the lack of any harmful impact, this relatively modest extra distance does not merit rejecting the appeal and in this instance the Council's SPG should not be rigidly applied. This is especially so as the guidance concerning such extensions does not take into account their height.
9. The aims of Policies DM 14 and DM 16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, include protecting residential amenity and causing no significant harm to it, with which there would be compliance. Another part of Policy DM 14 intends that development accords with adopted SPG. Nevertheless, Policy DM 16 specifically concerns alterations and extensions, rather than all development proposals, so that it is of more direct relevance to this appeal. Moreover, there is no conflict with any part of this policy. In these circumstances, I conclude that there is compliance with the development plan as a whole.
10. The neighbour refers to the guttering at his property being extended and the use of a soakaway but these are matters for the respective parties. Despite this matter being raised by the third party, I have no reason to doubt the accuracy of the submitted plans and note that the Council has raised no objections in this respect.
11. Taking account of all other matters raised and given the absence of harm, it is determined that the appeal succeeds. The Council has not suggested any conditions and none are needed in this case.

M Evans

INSPECTOR