



Appeal Decision

Site visit made on 17 September 2024

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/V2255/D/23/3334484

102 Athelstan Road, Faversham ME13 8QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Barney Goodland against the decision of Swale Borough Council.
 - The application reference is 23/503739/FULL.
 - The development proposed is a single storey rear extension incorporating four rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension incorporating four rooflights at 102 Athelstan Road, Faversham ME13 8QW in accordance with the terms of the application, reference 23/503739/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Basement plan proposed (AR1945.08, dated May 2023)
 - Ground floor plan proposed (AR1945.09, dated May 2023)
 - First floor plan proposed (AR1945.10, dated May 2023)
 - Roof plan proposed (AR1945.11, dated May 2023)
 - Elevations proposed (AR1945.07, dated May 2023)
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on living conditions for neighbouring residents, with particular regard to daylight and outlook at No 104 Athelstan Road.

Reasons

3. No 102 Athelstan Road is a two-storey semi-detached house, on the south side of a residential street close to Faversham town centre. It has an L-shaped footprint, with a two-storey "outrigger" wing at the rear shared with No 100, its semi-detached "twin" to the east. The appeal property and No 104 each have a side passage in the space between the two buildings which gives access to the rear gardens via a gate. The rear gardens of No 102 and its neighbours on either side are separated by brick walls topped with timber trellises.

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4. The proposed development is an extension to the rear of the ground floor. This would infill the space alongside and wrap around the back of the existing outrigger wing, squaring off the ground floor of the dwelling. It would project approximately 6.4m beyond the main rear elevation on the west side of the dwelling, and around 1.8m beyond the back wall of the rear wing on the east side. It would have a double-pitched roof with a ridge height of approximately 3.6m and an eaves height of around 2.25m. There would be four rooflights on the west-facing roof pitch. The side of the proposed extension would be around 0.96m from the centreline of the common boundary with No 104.
5. The existing boundary wall between the appeal property and No 104 is around 1.6m high, to which the timber trellis adds a further 0.28m or so. This would provide a reasonable degree of visual screening from No 104. While the extension would of course still be visible to the occupiers of No 104, the combination of the distance by which it would be offset from the boundary, the relatively modest eaves height, and the pitched roof design would mean that it would not be unacceptably visually dominant or intrusive. In common with other properties on Athelstan Road No 104 has a reasonably long rear garden, and the length of the proposed extension would not result in an unacceptable enclosing or “tunnelling” effect in the outlook from that dwelling. The rear of this side of Athelstan Road faces more or less due south, and I am therefore also satisfied that any reduction of daylight or sunlight to the neighbouring houses which might arise would be very minor.
6. The Council’s *Designing an Extension – A Guide for Householders* Supplementary Planning Guidance (“the SPG”) provides advice on a number of matters in order to help ensure that extensions do not cause unacceptable harm either to the character and appearance of an area, or to neighbours’ living conditions. Among other things, it advises that “for single-storey rear extensions close [a] common boundary, the Borough Council considers that a maximum projection of 3.0m will be allowed”, though it goes on to note that a gap to the boundary “may offset this requirement slightly depending on the distance allowed”.
7. The proposed extension would appear to exceed that recommended by the SPG, though the advice is somewhat vague in terms of what is meant by “close” to the boundary (the illustration within the guidance shows an extension built almost directly abutting a boundary), and what effect increasing the gap might have on the maximum recommended length of an extension. I note also the appellant’s comments about the age of the guidance (the document provided to me was not dated, but it is suggested that it may be from as far back as 1993), the extent to which it had been subject to public consultation, and whether it had been formally adopted by the Council. However, the SPG is intended to be advisory and, as I have described in paragraph 5 above, I am satisfied that no significant harm to neighbours’ living conditions would arise from a failure to comply with this particular part of it in this case.
8. The Council drew my attention to a 2018 appeal decision in respect of a proposed rear extension some 5.8m long at No 124 Athelstan Road (PINS Ref: APP/V2255/D/17/3185704). In that case the Inspector found that “the gap between the proposal and the shared boundary [with No 122] would be reasonably modest and would not be sufficient to offset the effect of the proposed depth”, and that “the combination of the proposed height and depth

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would appear unacceptably dominant on the outlook from No.122". I do not know the full details of that proposal, including the eaves or ridge heights as they were not referred to in the appeal decision. However, it is evident that Nos 122 and 124 are much closer together than Nos 102 and 104; while I was not provided with precise measurements a visual inspection during my site visit suggested that the gap between the appeal property and No 104 is perhaps somewhere in the order of twice as broad as that in the 2018 appeal case. I accept that the fundamental issue of concern to the Council is the same, but site-specific factors mean there would be a different spatial relationship between the proposed extension and the neighbouring occupiers. The 2018 appeal decision does not weigh significantly against this appeal scheme.

9. The Council found no harm in respect of the impact of the extension in respect of No 100 Athelstan Road. It also considered that the proposed rooflights would not have any adverse impact on any neighbours' privacy. Based on all the evidence before me, including what I saw during my site visit, I do not disagree with either of those assessments.
10. Taking the above points together, and notwithstanding the limited conflict with advice in the SPG, I conclude that the proposed extension would not cause significant harm to living conditions for neighbouring residents. It would therefore comply with Policies DM14 and DM16 of the 2017 Swale Local Plan which together seek to ensure that development, including extensions, causes no significant harm to amenity.

Conditions

11. In addition to the standard time limit condition (1), I have specified the approved plans so as to provide certainty (2). In order to protect the character and appearance of the area I have also included a condition requiring materials matching the existing dwelling to be used for the extension (3).

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

M Cryan

Inspector