



Appeal Decision

Site visit made on 27 May 2015

by **Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

Decision date: 8 June 2015

Appeal Ref: APP/V2255/W/15/3003537
31-33 Cowper Road, Sittingbourne, Kent, ME10 3AL

- 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 Darren Creary against the decision of Swale Borough Council.
 - The application Ref SW/14/0534, dated 23 April 2014, was refused by notice dated 30 July 2014.
 - The development proposed is described as 'demolition of existing workshop and construction of 2no. one bedroom duplex flats with associated amenity space and relaxation of condition 4 appended to planning permission SW/03/1310 and condition 1 appended to planning permission SW/09/0705 to set aside the requirement to provide onsite parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development refers to the relaxation of conditions imposed on other planning permissions; neither of those schemes is before me. I have therefore dealt with the proposal on the basis that it seeks the demolition of the workshop and erection of two, one bedroom flats, rather than seeking the variation or removal of planning conditions. I also note that a drawing numbered CR/13/104.02 Rev D has been submitted. The appellant indicated at the site visit that it refers to a scheme that may be submitted to the Council and has been provided for information only. For the avoidance of doubt, I have based my decision on the originally submitted and consulted drawings, being CR/13/104.02 and Revised Block Plan 15-07-2014, as those for which permission is sought.

Main Issue

3. The main issue is the effect of the proposed development on living conditions in terms of light, outlook and privacy.

Reasons

4. The appeal site is located to the rear of properties facing onto Cowper Lane, which is characterised by a mixture of terraced and semi-detached houses. Access to the development itself is via an undercroft arrangement between Nos 31 and 33, which have been converted into flats. To the rearmost part of the appeal site is a commercial workshop building which would be demolished as part of the proposed development and replaced with two, one bedroom

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units. Planning permission has been refused under SW/12/1205 and SW/13/0253 for similar schemes, with the present proposal seeking to address earlier reasons for refusal. In particular, re-orientating the footprint of the units in order to avoid overlooking from the existing flats.

5. The two units would be semi-detached and located on an east-west axis, with ground floor windows in the front and rear elevations only. The properties would be accessed through the undercroft, with a communal area suggested within the existing courtyard area to the rear of Nos 31 and 33 Cowper Road. However, as pointed out by the Council, the proposed ground floor windows would be located about 2 metres from the shared boundary walls to both the front and rear of the building. The rear doors of the building are shown to be patio style doors. However, this arrangement does not appear to be reflected in the block plan, which instead shows single opening doors. In any case, whether double doors or a single door, the windows and openings to the shared boundary walls would be in very close proximity.
6. Indeed, to the rear of the properties would be small amenity spaces and to the front a small narrow passageway for access and some bin storage. The outlook from both elevations would be out onto high walls no more than about 2 metres from the openings. It is unclear how much daylight would be able to enter the windows or doors, but the proximity of the walls would reduce this; thus reducing the amount of light provided in the small rear amenity area and internally. Given that the ground floor is proposed to be a living room/kitchen area for each dwelling, the outlook to the front and rear onto high enclosing boundary walls would be gloomy and depressing for future occupiers. In particular, given the north facing front elevation, the living room area is likely to be especially dark; particularly in the winter months.
7. The unacceptable level of outlook would be further exacerbated by the backland nature of the development and degree of overlooking possible from properties facing both Cowper Road and Murston Road; albeit to a lesser degree from the latter. To mitigate the level of overlooking from Cowper and Murston Roads would either require the erection of a tall fence, for example, which would only compound the harm arising from lack of outlook and the existing high boundary walls, or require future occupiers of the units to accept a loss of privacy in their relatively small private amenity areas. Both solutions, which would result in further harm, underpin the fundamentally unacceptable nature of the ground floor accommodation proposed in terms of living conditions.
8. I note that the Council is less concerned with the light and outlook from the first floor rooflight windows. Given that these would be located above the height of the boundary walls, they are unlikely to suffer from the same degree of poor outlook, loss of light or privacy. Nonetheless, whilst this element of the scheme is acceptable, it does not overcome my concerns that the living room and kitchen area on the ground floor would be served by poor outlook and levels of light, with the private amenity areas also overlooked by neighbouring properties.
9. I therefore conclude that the proposed development would have an unacceptable level of light, outlook and privacy that would be harmful to the living conditions of future occupiers of the proposed dwellings. As such, it would be contrary to E1 of the Swale Borough Local Plan 2008, which amongst

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other aims seeks to ensure that developments cause no demonstrable harm to residential amenity. It would also conflict with the core planning principles set out in Paragraph 17 of the National Planning Policy Framework, which includes to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

10. I have been directed to a scheme at 60 Shortlands Road (SW/07/0940); however the full details are not before me and I am therefore unable to consider the degree of relevance to the appeal scheme. In any case, I have considered the proposal on its own planning merits and have not found it acceptable. I have also considered the concerns raised by neighbours, including the fact that developing the site would help reduce or minimise anti-social behaviour. However, it does not provide justification for overcoming the harm to the living conditions of future occupiers I have identified.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR