



Appeal Decision

Site visit made on 1 October 2015

by **K E Down MA (Oxon) MSc MRTPI MBS**

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

Decision date: 8 October 2015

Appeal Ref: APP/V2255/D/15/3128815
90 Bell Road, Sittingbourne, Kent, ME10 4HE

- 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 & Mrs Tom Cunningham against the decision of Swale Borough Council.
 - The application Ref 15/501894/FULL, dated 3 March 2015, was refused by notice dated 16 June 2015.
 - The development proposed is construction of two storey and single storey extensions, demolition of existing garage and alteration of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two storey and single storey extensions, demolition of existing garage and alteration of vehicular access at 90 Bell Road, Sittingbourne, Kent, ME10 4HE in accordance with the terms of the application, Ref 15/501894/FULL, dated 3 March 2015, 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 approved plans: 1327/1 Rev. A, 1327/02 Rev. A, 1327/3 Rev. A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the south west elevation of the extension hereby permitted.
 - 5) The side bathroom window hereby permitted shall be obscure glazed and shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and shall be retained as such thereafter.
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Main Issues

2. There are two main issues. Firstly the effect of the proposed extensions on the living conditions of neighbours and in particular the occupiers of Nos 88 and 92 Bell Road, with respect to light and privacy; and secondly, the effect of the proposed two storey extension on the character and appearance of the surrounding area and the visual amenity of neighbours.

Reasons

3. The appeal dwelling is a two storey detached house with an attached single storey garage to the side. It is set well back from the street behind a generous frontage. To the rear there is a substantial garden. Neighbouring properties are also set on generous plots and although the two adjoining dwellings are semi-detached the layout of the area has a spacious character.
4. The proposed extensions comprise a single storey addition some 5.5m deep and a narrower two storey addition some 3m deep that would match the width of the two storey element of the existing dwelling. The single storey addition would lie close to the boundary with No 92, which has an existing rear extension of about 3m in depth, while the two storey extension would be set some 2m off the shared boundary. The appeal dwelling is separated from the side elevation of No 92 by a driveway about 2.8m wide. The final section of the single storey extension would abut the detached garage at No 92 which lies close to the shared boundary. Although No 92 has a number of side facing windows it lies to the south of the appeal dwelling and so no material overshadowing of these windows would occur. Moreover, the separation distance between both the single storey and two storey elements of the proposed extension would ensure that no significant loss of daylight occurred to any of the side windows.
5. The extensions would be separated from the shared boundary with No 88 by some 3.7m and from the side wall of the two storey part of the dwelling by over 6m. Given this degree of separation neither the proposed single storey extension nor the two storey extension would result in any significant overshadowing of or material loss of daylight to No 88.
6. There are no new windows proposed in the flank wall facing No 92. In the flank wall facing No 88 a bathroom window which is shown on the plans as being top opening and obscure glazed is proposed. These details could be secured by condition. The extensions would not therefore result in any loss of privacy to neighbouring dwellings. Moreover, privacy is likely to be enhanced by the removal of the existing rear bay which has side facing windows at first floor which overlook both neighbouring properties.
7. The occupier of No 94 has raised concerns regarding overlooking of the rear patio to that dwelling. However, the distance of separation and lack of any side facing windows in the southern elevation of the proposed extensions would ensure that no loss of privacy occurred.
8. In refusing the proposed development the Council appears to have placed reliance on Supplementary Planning Guidance (SPG) entitled "Designing an Extension – A Guide for Householders". However, the SPG makes clear that the limits set out in the guidance may be applied flexibly in the case of well spaced

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detached properties, such as the appeal dwelling. Since the SPG limits appear to be more restrictive than current permitted development rights for detached dwellings, I consider that it should be used critically and that the proposal should be judged on its own merits, as I have done.

9. It is therefore concluded on the first main issue that the proposed extensions would have no materially detrimental effect on the living conditions of neighbouring occupiers, and in particular those at Nos 88 and 92 Bell Road, with respect to light and privacy. In consequence there would be no conflict with Policies E1, E19 and E24 of the Swale Borough Local Plan (LP), 2008, which taken together expect, amongst other things, that extensions will be of a high quality design that is appropriate to its context in respect of scale, height and massing such that the residential amenity of neighbouring occupiers is protected.
10. Turning to the second main issue, the proposed two storey extension would be to the rear of the dwelling and would therefore have no material effect on the character or appearance of the street scene of Bell Road. Neighbouring occupiers suggest that it would be excessive in scale and out of keeping with other properties in the vicinity. However, whilst it is a significant addition I do not consider that it would be disproportionate in the context of the original host dwelling or its generous plot. Neither would its appearance be harmful to the visual amenity of neighbours.
11. I therefore conclude on the second main issue that the proposed two storey extension would have no materially detrimental effect on the character or appearance of the surrounding area or the visual amenity of neighbours. In consequence there would be no conflict with Policies E1, E19 or E24 of the LP which, taken together, expect extensions to, amongst other things, maintain or enhance the character of the street scene, protect and enhance the built environment, be well sited and be of a scale, design and appearance that is appropriate to the location and to the host building. I am also satisfied that there would be no material conflict with the SPG.
12. In addition to the statutory commencement condition, the Council suggests that the development should be built using materials that match the external surfaces of the existing building. I agree that in order to protect the character and appearance of the host dwelling and the surrounding area this is necessary. A condition is also necessary to ensure that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
13. The Council suggests a further condition restricting new openings in the side elevations of the extension in order to protect the privacy of neighbouring occupiers. Although, any openings above ground floor inserted under permitted development rights would be subject to a condition to ensure privacy was protected I agree that a condition is necessary to prevent openings in the ground floor side elevation facing No 92 which is very close to the shared boundary and therefore likely to become the boundary feature. In addition, as reasoned above, in order to protect the privacy of neighbours at No 88, I consider it necessary to require by condition that the proposed side bathroom window be obscure glazed and non-opening below 1.7m above floor level, and that it should be retained as such.

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14. The Council raises no objection to the proposed alterations to the vehicular access and I agree these would be acceptable. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR