



Appeal Decision

Site visit made on 13 October 2015

by David Cliff BA Hons, MSc (Urban Planning) MRTPI

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

Decision date: 18 November 2015

Appeal Ref: APP/V2255/W/15/3019427

61 Cormorant Road, Iwade, Sittingbourne ME9 8WP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Christophe Evo against Swale Borough Council
 - The application Ref 14/503841, is dated 4 September 2014.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of the application, the description was altered by the Council in agreement with the appellant to add reference to the 'conversion of garage into utility room and storage area'. I note that the submitted plans include the partial conversion of the existing garage in addition to the rear extension and I have therefore considered the appeal on this basis.
3. Neither of the main parties has made reference to any development plan policies. In the absence of such policies, I have considered the proposals against the National Planning Policy Framework.

Main Issues

4. The Council has not provided a statement on the merits of the proposal. From my consideration of the evidence before me, including a representation from a neighbouring resident, I consider the main issues to be the effect of the proposed development upon:
 - i) The living conditions of the occupiers of 1 Cormorant Road with particular regard to outlook,
 - ii) the character and appearance of the area, and
 - iii) local parking provision and highway safety.

Reasons

Living conditions

5. The proposed rear extension would be sited immediately adjacent to the flank boundary with the neighbouring property at 1 Cormorant Road. This
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neighbouring property has a set of bay windows, which I understand serve a kitchen/diner, located in close proximity to this boundary and it has a small triangular shaped rear garden.

6. The side wall of the existing garage of the appeal property already projects by approximately 1.5m outwards along the boundary from the rear elevation of 1 Cormorant Road. In addition to the existing projecting garage the new extension would result in built development running alongside the vast majority of this boundary. Whilst its sloping roof would rise away from next door, the flank wall of the proposed extension would rise noticeably above the existing boundary fence. In the context described above, I consider that the height and depth of the side elevation of the proposed extension would result in an oppressive and overbearing impact when viewed from the rear windows and rear garden area of the adjacent property.
7. I therefore consider that the proposed development would have a harmful impact on the living conditions of the occupiers of 1 Cormorant Road. It would be contrary to one of the core planning principles of the Framework (paragraph 17) which seeks to secure a good standard of amenity for all existing occupants of buildings.
8. The appellant has argued that the depth and height of the proposed development is within the tolerances of what could be built as permitted development. I have no detailed evidence before me of how a scheme would lawfully comply with the permitted development regulations and, in any case, the *prior approval* process would appear to be applicable for an extension of the depth proposed. I therefore give very limited weight to the prospect of a fallback position.

Character and appearance

9. While the proposed extension would look different to the house, its design in my view would be of a high standard and its back garden position means that it would not be particularly prominent in public views. Thus it would meet the design aims of the Framework.

Local parking provision and highway safety

10. The partial conversion of the existing attached single garage would not leave sufficient space remaining within it to be used for the parking of vehicles. There is, however, space for one car to be comfortably parked on the existing driveway which would be unaffected by the proposal. The appellant considers it possible for two cars to be parked on the driveway, although in my mind this would be a very tight arrangement and unlikely to be achievable without a vehicle protruding beyond the edge of the drive and onto the shared highway.
11. In my experience householders do not always park their vehicles in residential garages despite them being designed, and in some instances restricted by planning condition, for this purpose. On my site visit I saw several examples of cars parked on the highway within this housing estate. I also saw that the appeal site is located near to the end of a cul-de-sac meaning that the traffic is likely to be infrequent and speeds low. Whilst a four bedroom household might own more than one vehicle, I consider that in this instance there is sufficient space for a car to be parked on the adjacent highway if required, without any

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significant harm arising in terms of highway safety or the local parking provision in the vicinity of the site.

12. I therefore find there to be no conflict with the transport and highway safety aims of the Framework.

Other Matters

13. I note the appellant's reasons for requiring the proposed development, including providing for a home office and a better quality of life for his family. However, whilst I have no doubt that the scheme would deliver such benefits, these are outweighed by the harm I have found would result upon neighbouring living conditions.
14. The appellant has expressed concern about the manner in which the application was dealt with by the Council. However, they are procedural matters which if necessary should be raised with the Council away from this appeal. They have had no bearing on the main planning merits of the proposed development.

Conclusion

15. In conclusion, I find that no harm would result from the proposed development with regard to its effect on the character and appearance of the area or on local parking provision and highway safety. However, I find that the proposed rear extension would result in harm to the living conditions of the occupiers of 1 Cormorant Road. That harm is the prevailing consideration and leads me to conclude that the proposed development would not amount to sustainable development as defined by the Framework.
16. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR