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## Appeal Decision

Site visit made on 11 April 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 19 April 2016

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**Appeal Ref: APP/V2255/D/16/3143711**

**1 Connaught Road, Sittingbourne, Kent ME10 1HY**

- 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 Laurence Lock against the decision of Swale Borough Council.
  - The application Ref 14/504797/FULL, dated 15 October 2014, was refused by notice dated 16 November 2015.
  - The development proposed is replacement of existing garage with new workshop above.
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### Decision

1. The appeal is allowed and permission is granted for replacement of existing garage with new workshop above at 1 Connaught Road, Sittingbourne, Kent ME10 1HY, in accordance with the terms of the application, Ref 14/504797/FULL, dated 15 October 2014, subject to the attached schedule of conditions.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the occupiers of No 3 Connaught Road and No 62 Ufton Lane in relation to outlook, light and privacy.

### Reasons

#### *Character and appearance*

3. No 1 Connaught Road is an end terrace property on the corner of Ufton Lane, with its rear garden having frontage onto the side road. At the end of the rear garden, which is screened by a close boarded fence, is a flat roof single-storey garage which belongs to No 1. Next to this is a single parking space, a narrow pathway and then No 62 Ufton Lane, a detached house which is set well back from the road.
4. The proposal is to rebuild the garage at a slightly lower level flush with the footway together with a workshop above. The workshop would be a simple structure with a dual pitched roof, gable end to the road, the whole building being clad with stained boarding and an aluminium sheet roof. It would have

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two small velux rooflights on the two roof slopes and would be accessed from the rear garden by a short flight of stairs.

5. The existing frontage along Ufton Lane between the side elevation of No 1 and No 62 is utilitarian in nature, comprising a low rendered wall, tall fencing, flat roof garage and parking space. This allows views of the rear of Nos 1-5 Connaught Road and properties in Unity Street which are not particularly attractive. The proposed garage/workshop would be more pleasing than the existing flat roof garage in this location and would provide the benefit of a modest feature building within the gap. Whilst it would be close behind the footway it would be a relatively small building - only about 3.2 m wide, about 3.3 m to the eaves with the gable end rising to about 5 m. In views along Ufton Lane it would either be seen against the back of No 1 or against the flank wall of the terraced house next to No 62.
6. For these reasons the proposal would not cause significant harm to the character and appearance of the area. It would therefore comply with Policies E1, E19 and E24 of the Swale Borough Local Plan 2008 (the Local Plan) which require development to reflect the characteristics of the site and locality, to be appropriate to its context in respect of scale, height and massing and maintain or enhance the street scene.

*Living conditions*

7. The garage/workshop would back onto the side of the rear garden of No 3, currently laid to grass. Whilst it would project above the close boarded boundary fence it would only be about 3.2 m wide, less than a third of the length of the garden, and the apparent height of the building would be reduced by about 1 m due to a significant difference in ground levels. Whilst clearly visible from No 3 the building would not be unduly overbearing given its relatively small size and the openness of the remainder of the boundary. For the same reason the loss of daylight and sunlight in the garden would be minimal and would not significantly affect its enjoyment.
8. The velux rooflights would only be about 1.5 m above floor level inside the workshop which could compromise privacy in the garden. However, a condition could be imposed to ensure these are obscure glazed and non-opening. In order to prevent undue noise and disturbance in the garden a condition could also be imposed to restrict the use of the workshop to domestic ancillary purposes only.
9. The garage/workshop building would be set well forward of No 62 Ufton Lane but also well to the side due to an intervening pathway and parking space. The building would therefore be sufficiently far away for it not to have any significant impact on the outlook from the front facing windows of No 62.
10. For these reasons the proposal would not cause significant harm to the living conditions of the occupiers of No 3 Connaught Road or No 62 Ufton Lane in relation to outlook, light or privacy. It would therefore comply with Policies E1 and E24 of the Local Plan which require development to cause no demonstrable harm to, and to protect, residential amenity.
11. The Council suggested four conditions should the appeal be allowed and I have assessed these against the relevant tests. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty. A condition controlling the materials to

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be used is necessary to ensure the satisfactory appearance of the building and a further condition to ensure the rooflights are obscure glazed/non-opening is necessary in order to protect the privacy of nearby occupiers. Conditions to restrict further buildings in the curtilage of No 1 without specific planning approval and to restrict the use of the garage/workshop to ancillary purposes only are necessary to protect the amenity of nearby occupiers. I do not however consider a condition limiting the use of the garage to the parking of vehicles is justified as there is no evidence that the existing garage is so restricted.

### **Conclusion**

12. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2516/1A, 2516/2A, 2516/3.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) The velux rooflights on the north and south roof slopes of the building hereby permitted shall be obscure glazed and made non-opening prior to first occupation and retained as such at all times thereafter.
- 5) Upon completion, no further development permitted by Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out without the prior permission in writing of the Local Planning Authority.
- 6) The development hereby permitted shall only be used for purposes incidental or ancillary to the use of No.1 Connaught Road as a dwellinghouse and for no other purpose.