
Appeal Decision

Site visit made on 19 August 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 19 September 2016

Appeal Ref: APP/A2280/D/16/3151181

60 Sidney Road, Borstal, Rochester, ME1 3HG

- 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 Dean Lowrie against the decision of The Medway Council.
 - The application Ref MC/16/1321, dated 21 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is '*demolition to front of garage construction of double storey extension to frontage comprising of garage on ground floor and extended bedroom on first floor and first floor extended bedroom to rear*'.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 23 August 2016.

Decision

1. The appeal is allowed and planning permission is granted for the demolition to front of garage, construction of double storey extension to frontage comprising of garage on ground floor, and extended bedroom on first floor and first floor extended bedroom to rear at 60 Sidney Road, Borstal, Rochester, ME1 3HG in accordance with the terms of the application, Ref MC/16/1321, dated 21 March 2016, 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: KL/01, KL02, KL/03, KL/04, KL/05, KL/05, KL/06, KL/07, KL/08, KL/09 and KL/10.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing building.

Procedural Matters

2. Concerns have been raised by the appellant in respect the local planning authority's (LPA) handling of the planning application. The remit under a Section 78 appeal is to consider the planning merits of the proposal; not to consider the way in which a planning application is administered by the LPA before an appeal is made. This is a separate matter between the main parties.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to outlook and daylight.

Reasons

4. The appeal site is located in a residential area of Rochester. The street scene is characterised by a mixture of detached, semi-detached and terraced dwellings. No 60 is a detached house, with its gable facing the highway. The dwelling is set back a short distance from the highway with No 58, which is adjacent, set closer to Sidney Road. No 58 Sidney Road is also located at a lower ground floor level compared to the ground level of Sidney Road.
5. The appeal scheme seeks two main elements; a two storey front extension (following the demolition of a garage) and a first floor rear extension above an existing single storey extension. In terms of the proposed front extension, the Council does not raise any specific concerns. Given the lack of windows in the flank wall of No 58 at this point and the proposed use of matching materials, I see no reason to disagree and therefore find the proposed front extension acceptable.
6. In terms of the rear first floor extension, this would be built on top of an existing single storey rear extension. The appeal property, No 60 Sidney Road is located on a lower ground level than No 58. What this means in practice is that the eaves of No 60 are lower than those at No 58, with the ridge and roof also at a lower relative height. I note that the single storey extension already protrudes about 3 metres (according to neighbours measurements) from the rear of No 60, which in footprint terms was originally built further back from the highway compared to No 58.
7. The appellant has sought to address concerns over the potential for loss of light and outlook by reducing the pitch on the extension so that it would sit lower than the main roof at No 60. Furthermore, whilst I acknowledge that there would be some loss of light and outlook from the rear windows on No 58, this would mainly be a loss of direct sunlight at the mid-to-late part of the day given that No 60 is located the south west of No 58. I also saw that to the rear of No 58, there is a raised platform area, which means that part of the garden area is already at a high level than the original ground level.
8. What is more, I have not been provided with any cogent evidence, for example a daylight assessment, which demonstrates that the proposal would result in a loss of daylight, or that this would be to a demonstrably harmful level. In the absence of such evidence, and given the amelioration set out in the proposed design, I do not find that the proposal would result in a materially harmful loss of outlook or daylight for the occupiers of No 58 Sidney Road in terms of windows or in the rear garden.
9. I therefore conclude that the proposed development would accord with policy BNE2 of the *Medway Local Plan 2003*, which amongst other aims seeks to ensure that all development should secure the amenities of nearby and adjacent properties, and should have regard to privacy, daylight and sunlight. It would also accord with the policies of the *National Planning Policy Framework*

(the Framework), which include that planning should seek a good standard of amenity for existing and future occupiers.

Conditions

10. In considering imposing conditions, I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. Conditions requiring the development to be carried out in accordance with the submitted drawings and using matching materials are necessary for the avoidance of doubt and to protect the character and appearance of the area.

Conclusion

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

Cullum J A Parker

INSPECTOR