

Appeal Decision

Site visit made on 6 September 2016

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 22nd September, 2016

Appeal Ref: APP/X2220/D/16/3153124

11 The Crescent, Chapel Hill, Eythorne, Dover, Kent CT15 4BB

- 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. Mathew Allen against the decision of Dover District Council.
 - The application Ref DOV/16/00069, dated 21 December 2015, was refused by notice dated 10 May 2016.
 - The development proposed is a ground floor single storey extension with a flat roof and glass lantern.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor single storey extension with a flat roof and glass lantern at 11 The Crescent, Chapel Hill, Eythorne, Dover, Kent CT15 4BB in accordance with the terms of the application, Ref DOV/16/00069, dated 21 December 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 12 The Crescent, with particular regard to light and outlook.

Reasons

3. 11 The Crescent (No 11) is a semi-detached bungalow located well off the road and accessed from The Crescent via a parking and garaging area. It has been previously extended, including accommodation in the roof and a substantial single storey extension projecting from the elevation identified on the plans as being the north east, which runs parallel to the boundary with the attached property, No 12. Between the single storey extension and the boundary fence there is currently a conservatory and a patio garden area at
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- No 11. Other properties in the vicinity are similar in character to the appeal property, comprising a variety of predominantly semi-detached bungalows and houses.
4. The proposal is a new single storey extension in the gap between the existing single storey extension and the boundary with No 12. The existing conservatory would be removed, although it is proposed to retain the existing side wall and incorporate it into the new extension. The roof of the new extension would be flat, with a large glass lantern to provide light to the new living area. The height of the flat roof would be broadly the same as the existing eaves level of the host bungalow.
 5. No 12 has a living room window in the north east elevation, facing a private garden area. The outlook from this window in the direction of No 11 is significantly restricted by the close-boarded boundary fence, the conservatory wall, and the pitched roof of the existing extension. While the new extension would be sited very close to the boundary fence, its mass would be largely concealed behind the fence and the visible parts would be seen, at least partly, against the backdrop of the significantly larger pitched roof immediately behind. Furthermore, as a result of the flat roof and the limited projection of the new extension above the fence, it would predominantly be the glass lantern element of the proposed development that would be visible from No 12. This lantern would be set in from and pitched away from the common boundary. As a result, the effect of the development on the outlook from No 12 would not be significant.
 6. For the same reasons, the effect of the new extension on the diffuse daylight experienced at No 12 would also not be significant. In addition, the new extension would be positioned to the north of No 12 and therefore would not result in any significant overshadowing of No 12 or affect the level of direct sunlight experienced there. I acknowledge the Council's concerns that the new extension, primarily as a result of its length, would notably infringe a 'rule of thumb' 45 degree guideline taken from the window at No 12. Although the Council appears to use this as a development management tool I have seen no evidence to suggest that this 45 degree guideline forms part of its adopted planning policy, be it as part of the development plan or otherwise. On that basis I can give it only limited weight. I do, nonetheless, recognise that this kind of tool can be of use as a general *rule of thumb*. However, the particular circumstances in this appeal, as set out above, are such that the infringement of this guideline would not result in any material harm to the living conditions of the neighbouring occupants.
 7. For the reasons given above, I conclude that the proposed development would not harm the living conditions of the occupants of 12 The Crescent, with particular regard to light and outlook. Accordingly I find no conflict with Paragraphs 17 and 64 of the National Planning Policy Framework, which respectively set out the core planning principles including seeking a good standard of amenity for existing and future occupants of buildings, and the requirement for good design that takes opportunities for improving the character, quality and function of an area.

Conditions

8. In addition to the standard three year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans, as this provides certainty. I have also imposed a condition relating to external materials as this is necessary to ensure the satisfactory appearance of the development.

Conclusion

9. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR