
Appeal Decision

Site visit made on 26 October 2016

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 1 November 2016

Appeal Ref: APP/V2255/D/16/3156711

43 Canute Road, Faversham, ME13 8SH

- 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 Nick Lewis against the decision of Swale Borough Council.
 - The application Ref 16/503823/FULL, dated 3 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a two storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Issue

2. Although the application form was submitted in the name of Mr Nick Lewis, the appeal was submitted in the name of Mr Nick Davies. For the avoidance of doubt, I have referred to the applicant's name as it appears on the application form in my heading above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of Number 41 Canute Road.

Reasons

4. Number 43 Canute Road is a two storey semi-detached house on the eastern side of the road. The adjoining property, No 41 Canute Road, lies to the north and there are similar pairs of properties elsewhere along this side of the road.
5. The proposed extension would be a part single part two storey development which would adjoin the rear common boundary with Number 41. It would extend 4 metres in depth at ground floor and 1.8 metres at first floor with the two elements being linked by a mono pitched roof. The maximum height of the ground floor element to the top of the pitched roof would be just over 3.5 metres, with the two storey element just over 5 metres in height to the eaves. No 41 has a relatively narrow and enclosed rear garden, as do most of the properties on this side of the road, and that is made more so by the presence of two large trees in the garden. It has a pair of patio doors set in approximately 1 metre from the common boundary, which serves a rear living room and a small patio area beyond. I took the opportunity to view the proposal from that vantage point at my site visit.

6. Having done that, I consider that the bulk and impact of the proposal, particularly in such close proximity to the common boundary, would undoubtedly affect the outlook from the rear of No 41, both from within the living room and from the patio area. Being located immediately on the northern side of the proposed extension, there would also be a likely loss of afternoon sunlight from reaching those two areas. Such impact would in my view, cause harm to the living conditions of the occupiers of No 41 to an extent which would be unacceptable.
7. I note the appellant's reference to the extent of development which might be possible with the benefit of permitted development rights, but that would not extend to a two storey development in this case, and even a greater depth of extension at ground floor level would, as the appellant notes, be subject to the Prior Approval process and the neighbour consultation scheme. A key component of that scheme is to consider the amenity impact which might be caused by a larger extension and therefore it does not follow that it would necessarily be allowed. I do not therefore afford such a potential fallback position significant weight in this instance, given my findings on the amenity issues as set out above.
8. I am sympathetic to the appellant's desire to increase the level of family accommodation and note the reference to Article 8 of the European Convention on Human Rights in terms of right to respect for family and private life. However, given that my finding above would not result in the loss of the family home and would maintain the current status quo, such considerations also need to be balanced against other material planning interests. In this instance I attach greater weight to the impact of the proposal upon the loss of amenity to the adjoining neighbour, rather than the advantages the additional accommodation would provide to the appellant. Whilst I understand it may well be desirable, there is no evidence before me to suggest that the current level of accommodation is inadequate in itself. In reaching that view, I am also mindful that some level of additional alternative accommodation could be built under permitted development rights, or indeed potentially through an alternative scheme needing planning permission, which might not raise the same concerns as in this case. Such a scenario would of course be a matter for the Council to consider in the first instance.
9. Having regard to the above, the proposal would be contrary to Policies E1, E19 and E24 of the Council's Local Plan 2008 together with its Supplementary Planning Guidance entitled "Designing an Extension: A guide for householders", in that the height and massing would not be appropriate to its context and there would be demonstrable harm to the amenities of the occupiers of No 41 Canute Road. Accordingly, for these reasons, the appeal should be dismissed.

Kim Bennett

INSPECTOR