The Planning Inspectorate

Appeal Decision

Site visit made on 19 December 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 4 January 2017

Appeal Ref: APP/A2280/D/16/3163457
116A Maidstone Road, Rochester ME1 3DT

- 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 D Cawley against the decision of The Medway Council.
- The application Ref MC/16/2494, dated 21 May 2016, was refused by notice dated 10 November 2016.
- The development proposed is a first floor extension to facilitate conversion of existing bungalow to two storey house.

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. One is the effect of the proposal on the character and appearance of the area. The other is its effects on the living conditions of the occupants of 2 Grange Way.

Reasons

Character and appearance

3. Maidstone Road is a long road with wide variations in its character, even in the immediate vicinity of the site. As the road rises up the hill from the centre of Rochester, terraces and pairs of Victorian and Edwardian houses, variously constructed in orange, grey, or yellow stock brick or render, some with gabled, others with hipped roofs, give way to 1930s terraces, hipped roofed and part rendered.

4. Immediately north of the site are more modern detached houses from the 1960s or more recent, some gable-ended, some gable-fronted, some with the upper floor contained within the roofspace. Further up the hill to the south is a parade of retail premises with residential upper floors in several design variants, some with a second floor of dormer windows. To the west of the appeal site, Grange Way has a selection of detached houses from the 1920s in a variety of styles and materials typical of the period. There are also several unique properties in the vicinity, including the bungalow on the appeal site.

5. The addition of the first floor to the appeal property would follow many of the conventions of the adjoining properties, including a subsidiary north wing, gable ended features on a predominantly hipped roof and a simulation of half-

timbering in a rendered upper floor. It would therefore be congruent with the local character and would comply with policy BNE1 of the Medway Local Plan adopted in May 2005. This requires design to be appropriate to the character, appearance and function of the built and natural environment.

Living conditions

6. Although numbered into and fronting onto Maidstone Road, the appeal property sits at the end of a row of properties fronting on to Grange Way. As is conventional, the run of two storey properties shares a common building line front and rear with the result that the effects of each house on its neighbour are consistent and no different from the effects which each house experiences from its neighbour.

7. The appeal property respects this convention in its southern elevation towards Grange Way but extends much further to the north. This has little or no adverse effect on its neighbour because there is a considerable change in levels and because the appeal property is only single storey. The present effect of its much greater extent is therefore much less than indicated in the Council's shadow casting results which appear, as the appellant suggests, to have been calculated on the basis of level ground.

8. By contrast, my site inspection demonstrated the accuracy of the appellant's drawings of the differences in levels between the two properties. I therefore have confidence in the greater accuracy of the appellant's shadowcasts. They do not show the existing situation but do show that the proposal would overshadow about half of the neighbour's garden at about 8 am in mid March, reducing to nil by about noon.

9. The rear garden of number 2 Grange Way faces north-north-east which is not an ideal orientation, resulting in the overshadowing of about half the garden by its own house from about noon onwards, as the appellant's shadow models (which omit the effect of the existing single storey extension at number 2 Grange Way) indicate. As such, the effects of the appeal proposal, which would remove sun for the first half of the day from about half the garden which is already in shadow for the latter half of the day, would be significantly harmful.

10. The rear of number 2 Grange Way presently faces the flank of number 114 Maidstone Road at the end of the garden. This is a fairly common relationship in a built up area and is usually found acceptable at the end of a reasonably-sized garden. In any event, although it is a two-storey house, the difference in ground levels means that only the first floor and above is visible from the garden of 2 Grange Way across which it extends about half way.

11. By contrast, the north wing of the proposal would extend for a rather greater distance about half way along the length of the rear garden of number 2 Grange Way starting from a position close to the house. Despite the reduced internal ceiling height its eaves would be somewhat more than 3 m above the rear garden ground level, approximately 1.5 m above the existing side garden wall.

12. To my mind, that would be oppressive to the outlook both from within the garden of number 2 Grange Way and from its rear ground floor windows. In conjunction with its effects on sunlight the north wing of the proposal would

have an unacceptable effect on the living conditions of the residents of number 2 Grange Way. It would be contrary to Local Plan policy BNE2 which seeks to secure the amenity of the occupants of neighbouring property. For this reason, I dismiss the appeal.

P. W. Clark

Inspector