
Appeal Decision

Site visit made on 13 December 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 4th January 2017

Appeal Ref: APP/T2215/D/16/3160007
23 Ashen Drive, Dartford, Kent DA1 3LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
 - The appeal is made by Mr M Cooper against the decision of Dartford Borough Council.
 - The application Ref DA/16/01318/PDE, dated 15 August 2016, was refused by notice dated 19 September 2016.
 - The development proposed is to construct new single storey rear conservatory extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner, noting the representations made by the occupier of 25 Ashen Drive.

Reasons

3. The Council's 'Guidelines for House Extensions' accompanying policy H14 of the Dartford Local Plan (April 1995) states that single storey extensions to the rear of semi-detached and terraced properties should not be greater than 3.5m in depth on a common boundary. The proposal would measure 4m in depth, exceeding the Council's guidelines.
 4. The internal ground floor level of the appeal property is raised above the external ground level and therefore the floor of the proposed conservatory would be raised using a timber suspended floor shown on the application drawings, with the finished floor level being level with the existing house floor. The drawings show that, due to the sloping ground level, the finished floor level of the conservatory would be raised above ground level by between 450mm and 850mm. The neighbouring property (25 Ashen Drive) has a similarly raised ground floor level.
 5. Given these circumstances, I consider that a substantial proportion of the flank elevation of the conservatory would be visible above the boundary screen.
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- No.25 has rear windows, appearing to serve a principal living area, in close proximity to the boundary with the appeal site. Whilst the extension would be to the north of this neighbouring property and would not result in any significant loss of sun light, it would be a visibly assertive when viewed from the neighbouring property.
6. Given the extent of the side elevation that would be visible, its location immediately adjacent to the side boundary, the position of the neighbours rear windows close to the boundary and the depth of the proposed conservatory, I consider that it would appear as being unacceptably overbearing in appearance in the outlook from No.25. The proposal would therefore result in a significantly detrimental impact upon the amenity of the occupiers of this neighbouring property.
 7. The appellant has drawn my attention to other appeal decisions for extensions where boundary screening has been a factor. I have not been provided with the details of each proposed extension but the circumstances described by the Inspector in each case do not appear to mirror the circumstances set out above regarding this current proposal which I have considered on its individual merits.
 8. I acknowledge the circumstances of the appellant and the reasons for requiring the extension in order to provide more space for his family. Nevertheless, for the reasons set out above, this does not outweigh the harm I have found would result from the proposed extension. Given this harm, the proposal would not amount to sustainable development as sought by the Framework.
 9. I also note the existing extension at 27 Ashen Drive. This is not attached to No.25 and I do not consider it to provide any justification for the proposed extension. In any case, I am not aware of the particular circumstances relating to the building of that extension and it remains for me to consider the current proposal on its individual merits.
 10. Whilst the elevation facing No.25 would be PVC and glazing, this does not overcome my concerns in this case regarding its overbearing appearance.
 11. The appellant has drawn attention to the Council requiring the proposal to be 3.5m in depth and argues that there is not a significant difference between a 3.5m depth and a 4m depth. I have based my decision on the drawings and information before me, finding the harm set out above. The acceptability of any future proposal would, in the first instance, be a matter between the appellant and the Council.
 12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR