

Appeal Decision

Site visit made on 15 December 2016

by Timothy C King (BA Hons) MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/K2230/D/16/3160074

11 Lisle Close, Gravesend, DA12 4XH

- 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 A Styles against the decision of Gravesend Borough Council.
 - The application Ref 20160434, dated 2 May 2016, was refused by notice dated 11 July 2016.
 - The development proposed is *'New rear two storey extension and enlarged front porch'*
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Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the rear two storey extension. I allow the appeal, however, insofar as it relates to the remainder of the application and grant planning permission for an enlarged front porch at 11 Lisle Close, Gravesend, DA12 4XH, in accordance with the terms of the application Ref 20160434, dated 2 May 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: Drawing Nos. 01/001/16 and 02/001/16.
 - 3) The materials to be used in the construction of the external surfaces of the front porch hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council has not raised any objection to the proposed front porch. I agree with this approach and, as such, I will confine my assessment to the two-storey extension element of the proposal.

Main Issues

3. The main issues in this case are:
 - i) The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to the occupiers of 10 Lisle Close; and
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- ii) Whether the proposal would provide for a satisfactory standard of living conditions for the occupiers of the appeal dwelling, with particular regard to external garden space.

Reasons

Living conditions (neighbouring occupiers)

4. The appeal dwelling has already been extended to the side and rear at single storey level by reason of its original garage having been converted to habitable floorspace. The current proposal seeks permission to extend the main dwelling rearwards, and at two-storey height, to an additional depth of some 3m.
5. The Council has raised concerns regarding a considered impact on the immediate neighbour, No 10. Linked physically by No 10's side garage the two dwellings' footprints are staggered with No 10 set significantly forward of No 11. At the rear the reverse is true with No 11's rear building line forward of the dividing garage which, in turn, sits ahead of the neighbouring dwelling itself.
6. There are certain individual factors involved in assessing whether or not the proposed rear extension is acceptable in its context. In this instance I consider these to be the two dwellings' relative orientations taken together with the extension's intended depth and also its height. In terms of the physical relationship the appeal property sits to the south east of No 10 and this would tend to suggest an adverse effect on No 10 would result from the proposal due to a consequential loss of light. However, I find that the relative physical relationship between the two properties is less critical due to the garage's positioning and its high pitched roof. Nonetheless, whilst the garage does serve as a physical buffer I consider that the main determinant in this case is the proposal's extent and the physical bulk that would arise from its particular design.
7. The dwelling as originally built places an emphasis on the vertical and the proposed height of the extension, along with its form, would involve a development significantly over and above that of the adjoining garage's roof. I consider that this would lead to a palpable reduction in light entering No 10's rear garden and, critically, its rear room windows, particularly those at ground floor level.
8. I thereby conclude that the proposal would be harmful to the living conditions of neighbouring occupiers, contrary to the relevant aims of Policy CS19 of the Council's Local Plan Core Strategy (LPCS).

Living conditions (appeal dwelling)

9. The Council raises concerns regarding a reduction in depth of the rear garden from the proposed extension and cites a standard for such from its Supplementary Planning Guidance 'Residential Layout Guidelines' (SPG) whereby the minimum depth for dwellings such as this would be 10m. The proposal here would encroach some 3m into the garden and the standard would be breached. However, a lengthy ground floor extension already exists off the dwelling's southern flank wall and the proposal would largely cover an existing patio area. Given this, and the fact that the reduction would be

compensated for by the additional habitable floorspace, I do not consider that the reduced garden space would be so significant as to unacceptably affect the occupiers' or future occupiers' enjoyment of the property.

10. On this issue, given the circumstances, I do not consider that the general aims of LPCS Policy CS19 would be compromised, and I thereby conclude that the proposal would provide for a satisfactory standard of living conditions for the dwelling's occupiers.

Other matter

11. The appellant has provided me with details of two properties in Lisle Close which have previously been extended. No 7 Lisle Close was granted planning permission in 2014 for a two-storey side and single-storey rear extension whilst No 37 Lisle Close received permission for a single storey rear extension. Although No 7 would, on paper, appear to represent something of a parallel it must be borne in mind that each site has its own particular circumstances and such individual factors mean that each case must be taken and assessed on its own merits. Besides, the fact that a nearby dwelling may have been similarly extended does not outweigh the harm I have identified would result from the current proposal.

Conclusions and Conditions

12. Although I have found that the proposal would not affect the occupiers' enjoyment of their property the resultant impact on the neighbouring property would be pronounced and the appeal turns on this primary issue. However, this element of the development is severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the replacement porch. However, with respect to the two storey rear extension, I conclude that the appeal should be dismissed.
13. As regards conditions, in addition to the statutory time limit I impose a condition requiring the use of matching materials. Also, in the interests of certainty a condition is imposed requiring that the development be built in accordance with the submitted plans.

Timothy C King

INSPECTOR