

Appeal Decision

Site visit made on 19 December 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 16th January 2017

Appeal Ref: APP/L2250/D/16/3159434

2 Firs Lane, Folkestone, CT19 4QE

- 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 Vehpi Bozyel against the decision of Shepway District Council.
 - The application Ref Y16/0560/SH dated 20 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is '*Conversion of garage into habitable room; erection of first floor side extension with pitched roof.*'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following my site visit, in accordance with a prior request, I called at the adjoining property, No 4 Firs Lane, and viewed the proposal from the neighbouring rear garden. However, this did not affect my conclusions.

Main Issue

3. The Council has raised no objection in terms of the extension's effect on local character and, as such, the main issue in this appeal is the proposal's effect on the living conditions of neighbouring occupiers, with particular regard to those at No 4 Firs Lane.

Reasons

4. The appeal dwelling is a two-storey detached post-war dwelling which has an integral side garage whose flank wall extends almost up to the side boundary fence, beyond which is the immediate neighbouring property, No 4 Firs Lane. No 4 comprises a bungalow with a small, rear conservatory feature that extends rearwards in proximity to the fence divide. The property's rear garden surrounds.
 5. The proposal seeks to convert the garage to habitable floorspace and build directly above with a first floor addition in line with the existing flank wall. Turning to its effect on No 4, the appeal property lies to the south-west of No 4 and, certainly, due to this orientation and closeness, the extension at first floor level would impact on both the neighbour's conservatory and rear garden. I consider that it would have particular implications in terms of restricting light
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entry to No 4 and would give rise to an undue sense of enclosure thereto. Policy BE8 of the Shepway District Local Plan Review (LP), which I find particularly relevant to this proposal, comments that extensions to existing buildings should not adversely affect amenities enjoyed by neighbouring properties and this consideration is reflected in paragraph 17 of the National Planning Policy Framework (the Framework). The proposal fails in this regard.

6. The appellant has made reference to other examples of two-storey side extensions in the locality. However, each case has its own particular circumstances and must be assessed on its individual planning merits, or otherwise. Besides, the existence of any similar development does not outweigh the harm I have identified would result from this proposal. I have had regard to the appellant's personal circumstances which, he considers, necessitates the development. Nonetheless, again, I do not consider these as so significant as to set aside the amenity objection and allow the appeal.
7. I conclude that the proposal would be harmful to the character and appearance of the surrounding area, contrary to the aims of LP Policy BE8 and relevant advice within the Framework.
8. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR