

Appeal Decision

Site visit made on 9 February 2017

by **R J Maile BSc FRICS**

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

Decision date: 21st February 2017

Appeal Ref: APP/V2255/D/16/3161524

11 Leet Close, Eastchurch, Sheerness, Kent, ME12 4EE.

- 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 Paul Faiers against the decision of Swale Borough Council.
 - The application, ref: 16/503388/FULL, dated 18 April 2016, was refused by notice dated 22 August 2016.
 - The development proposed is: "First floor front extension over garage to form bedroom together with internal alterations to form new en-suite bathroom and new bathroom window to side elevation."
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Decision

1. The appeal is allowed and planning permission is granted for first floor front extension over garage to form bedroom together with internal alterations to form new en-suite bathroom and new bathroom window to side elevation at 11 Leet Close, Eastchurch, Sheerness, Kent, ME12 4EE, in accordance with the terms of the application, ref: 16/503388/FULL, dated 18 April 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 3489/2.04A:	Site Plan – scale 1:500.
Drawing no. 3489/2.05:	Location Plan – scale 1:1250.
Drawing no. 3489/2.01/3A:	Existing Floor Plans – scale 1:100.
Drawing no. 3489/2.01/4A:	Existing Elevations – scale 1:100.
Drawing no. 3489/2.06A:	Proposed Floor Plans – scale 1:100.
Drawing no. 3489/2.07A:	Proposed Elevations – scale 1:100.
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Main Issues

2. The main issues in this case are:

- a) The effect of the proposed first floor front extension upon the character and appearance of the street scene.
- b) The impact of the proposed first floor front extension upon the living conditions of existing and future residents of no. 12 Leet Close, Eastchurch.

Reasons

a) Effect upon character and appearance.

3. No. 11 Leet Close comprises a modern detached house located on an estate of similar large dwellings (Kingsborough Manor). The houses vary in design with a number having 'L' shaped formats incorporating two storey gable ends facing the street, as in the case of no. 12 next door.
4. The current scheme would reflect a number of these designs that were noted during my site visit and which are included in a photographic record attached to the appellant's grounds of appeal.
5. Given the varied nature of dwellings on the estate, including some similar to that now proposed I can see no objection to the scheme before me, which will accord with the established character and appearance of the street scene.
6. I therefore find upon the first main issue that development as proposed would not have a harmful effect upon the character and appearance of the street scene and would accord with the requirements of "saved" Policies E1, E19 and E24 of the Local Plan¹ and with the Council's adopted SPG².

b) Impact upon living conditions.

7. The double garage to no.11, which projects forward of the building line of the two storey element of the property, would be raised by approximately 0.8m at eaves level with an increased ridge height of 2.1m. The existing low pitched roof would be steeper and incorporate a roof light facing towards no. 10. That dwelling, however, is sited behind the building line of the subject property and would not be overlooked from the new roof light.
8. As part of my site visit I viewed the proposal from within the adjoining property at no. 12 Leet Close. That property has ground floor windows facing the appeal site and serving a small utility room and a kitchen. At first floor level there are obscure glazed bathroom windows, which would be largely unaffected by the proposal.
9. The increased height of the garage would have only a very minor impact upon the outlook from the kitchen window of no. 12 given the siting of nos. 11 and 12 approximately 5m apart, together with intervening boundary treatment. Having regard to the relative relationship and orientation of the two properties I am also satisfied that there would be no noticeable loss of sunlight to the kitchen window of no. 12.

¹ The Swale Borough Local Plan: adopted February 2008.

² Supplementary Planning Guidance: "Designing an Extension – A Guide for Householders."

10. Accordingly, I have found upon the second main issue that the erection of the first floor extension above the garage of no. 11 would not bring about any unacceptable impact upon the living conditions of existing and future residents of no. 12 Leet Close, Eastchurch, as required by "saved" Policies E1, E19 and E24 of the Local Plan and the Council's adopted SPG.

Conditions

11. The Council has put forward a total of three conditions in the event that I am minded to allow this appeal, which I have considered against the tests of the Framework³ and advice provided by the Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case.
12. My reasons for the conditions are:
13. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
14. Condition 3, requiring the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

³ The National Planning Policy Framework.