
Appeal Decision

Site visit made on 15 February 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/A2280/D/16/3165139

20 The Glebe, Cuxton, Rochester ME2 1LW

- 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 G Webb against the decision of Medway Council.
 - The application Ref MC/16/1823, dated 25 April 2016, was refused by notice dated 23 September 2016.
 - The development proposed is a first floor side extension and conservatory to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and conservatory to rear at 20 The Glebe, Cuxton, Rochester ME2 1LW in accordance with the terms of the application, Ref MC/16/1823, dated 25 April 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The agent refers to the widening of the driveway in the grounds of appeal which the Council is silent on. However, I note that it is not referred to in the description of development on the application form and that the appropriate box on that form states that parking will be as existing. For the avoidance of doubt therefore I have not considered that element as part of the proposed development. Whether it constitutes permitted development or not is a matter for the appellant to clarify with the Council.

Main Issues

3. The main issues are; the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of existing or future occupants and the consequent impact upon potential loss of adjoining trees.

Reasons

Character and appearance

4. The appeal property comprises a two storey end of terraced house located at the southern end of The Glebe and at the end of a large vehicle turning area. It has an attached garage on its southern side and beyond that there is a steep bank which forms part of a woodland area with a number of trees. Some are mature, but most of the trees on the bank at present have been coppiced in recent times. All the trees are protected as part of a wider Tree Preservation

Order M89/2001. Properties elsewhere in The Glebe are of similar age and design and arranged in terraces for the most part. The site adjoins the boundary with the Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt (MGB) but is not physically located within either.

5. The Council is concerned that the proposed side extension would not be a subservient feature owing to its width, lack of setback and ridge height which would be at the same height as the main roof. Additionally, it is considered that the rear conservatory adds to a feeling of overdevelopment on a relatively modest plot.
6. However, whilst the extension would not appear subservient to the main dwelling, the roof would be carried over with the same pitch, the tile hanging at first floor would also be extended and there would be matching materials. The resulting built form would simply appear as an extension of the terrace of three properties which would not be unlike other terraces elsewhere within The Glebe, which in some cases are much longer than the terrace of which No 20 forms part. Additionally it would not be prominent in the wider street scene as it would be largely viewed against the backdrop of the bank of trees beyond it. There would therefore be no harm to the character and appearance of the area as a result and I consider that view is reinforced by a similar proposal which has been carried out at No 2 The Glebe and which looks acceptable within the street scene.
7. Although the conservatory would be constructed beyond an existing extension, it would have a relatively modest depth at 3.5 metres, would be set in from either side of the extended property and would be largely enclosed within the rear garden area. The latter is of significant depth and has a width which is in excess of that of the original house and I consider that there would still be more than adequate amenity space for the occupants of the property as a result. Accordingly I do not consider the proposed extensions would amount to overdevelopment.
8. As noted above, the property adjoins both the AONB and MGB, but because of the steeply adjoining southern bank, the proposed extensions would have no impact upon the setting of either area and there would be no adverse impact as a result. I also note that the Council does not raise a specific objection in that regard.
9. For the above reasons I find that there would be no conflict with Policy BNE1 of the Council's Local Plan 2003 (LP) in that the extensions would be appropriate in relation to the character and appearance of the area.

Living conditions and impact upon adjoining trees

10. The Council is concerned that once the vegetation on the bank regenerates, it would provide a significant tree screen on the southern side and in close proximity to the appeal property. There would therefore be a loss of daylight and sunlight levels as a result, nuisance from tree debris and in turn pressure to remove trees in the future. It is pointed out that an arboricultural report submitted with the application (AR)¹ did not address those issues as recommended by British Standard 5837:2012

¹ Arboricultural Report prepared by SylvanArb dated 27 July 2016

11. In respect of daylight levels, there would be no south facing side windows in the extension. At the rear there would be windows serving en suite accommodation only, whilst at the front the proposed bedroom window would be of significant size and wider than those that currently exist on the front elevation. It would also be east facing and would therefore receive some morning sunlight as the existing property does. Notwithstanding that the issues were not addressed in the AR, I am satisfied that the levels of daylight and sunlight would be satisfactory. That would also be the case in the conservatory given the extent of glazing proposed. In terms of potential nuisance from leaf fall, that would already be the situation in the garden area whether the development went ahead or not.
12. With regard to potential pressure for future loss of trees, the AR clearly explains that no trees are required to be removed as a direct result of the development and that foundations of the extension would be beyond the root protection areas of the nearest affected trees. In those respects the Council has produced no evidence to the contrary. The only direct effect would be the recommended reduction of a lateral growth in one mature sycamore by 2 metres from the boundary given its current proximity to that boundary. Having considered that particular issue at my site visit, I do not consider it would adversely affect the amenity value of the particular tree concerned, given its current size and the fact that it is of relatively low value in any case, nor to the wider amenity value of the woodland bank, given the number of trees that exist. It would seem to make sensible arboricultural practice in any case given its proximity to the existing building.
13. As to whether the extension would lead to pressure to remove trees once the woodland regenerates, that seems to be somewhat speculative at present. On the one hand the intentions of the owners of the woodland are unknown and they may well carry out periodic further coppicing in the future. On the other hand, if that was not the case, the fact that the woodland is protected by a Tree Preservation Order will be known by occupants of the property, together with the constraints and impact that will have. Should the eventual regeneration of the trees prove to be a problem in the longer term, that would be an issue which would be considered at that time together with the scope of works required; for example it might simply mean recoppicing, as has been carried out to date, and not necessarily the removal of trees.
14. In the light of the above, the proposed development would comply with Policies BNE2, BNE41 and BNE43 of the LP in that the amenities of future occupants would be secured and trees providing a valuable contribution to local character would be retained.

Other Matters

15. With regard to amenity considerations, I agree with the Council that the relationship of the conservatory to the adjoining property would be acceptable. Similarly, given distances involved, there would be no loss in amenity to the occupiers of residential properties to the west in Woodhurst Close.

Conclusion

16. For the reasons set out above and policies referred to, there would be no harm to the character or appearance of the area, living conditions of current or future occupiers and unlikely to be pressure for future removal of protected trees.
17. Conditions relating to the development being carried out in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and for visual amenity. Although the Council has also requested conditions relating such details as a tree constraints plan, a tree protection plan and arboricultural assessment, those matters are largely contained within the AR to an extent which I consider reasonable given my findings and scope of works proposed. I have therefore amended the suggested conditions to relate directly to the AR.
18. Accordingly, subject to the above, the appeal should be allowed and planning permission should be granted.

Kim Bennett

INSPECTOR

Schedule of 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: site location plan and drawing no 1603/04/A.
- 3) 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.
- 4) The proposed development shall be carried out strictly in accordance with the recommendations set out in the arboricultural report prepared by SylvanArb dated 27 July 2016. In particular, all recommended tree protection works in that report shall be in place prior to the commencement of any development hereby permitted.