

Appeal Decision

Site visit made on 15 February 2017

by Timothy C King (BA Hons) MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/X2220/D/16/3164559

7 South Avenue, Snowdown, Dover, CT15 4JW

- 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 & Mrs Groombridge against the decision of Dover District Council.
 - The application Ref DOV/16/00881, dated 25 July 2016, was refused by notice dated 20 October 2016.
 - The development proposed is '*Erection of 2nd storey rear extension, replacement tiles on existing roof, removal of internal chimney breast on ground and 1st floors.*'
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 7 South Avenue, Snowdown, Dover, CT15 4JW, dated 25 July 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. 72014 Rev C and 72017 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no window openings shall be inserted into either flank wall of the first floor extension hereby approved.

Procedural Issue

2. In my decision I have altered the proposal's description to focus more closely on the development involved.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to No 9 South Avenue.
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Reasons

4. The appeal dwelling is a two-storey, semi-detached dwellinghouse which has already been extended at ground floor level by an addition of some 3.6m depth. The existing single-storey extension is set in on both sides and the proposed first floor addition, which would sit directly above, would be set in further from the party-wall with a resulting gap of approximately 1.45m.
5. The proposed extension would be overlain by a gabled roof and would be stepped-in to retain the property's small bathroom window. From the layout depicted on the submitted drawing, and in the absence of any information to the contrary, it would appear that a similar width first floor window at the neighbouring property, and sited equidistant from the boundary, lights No 9's bathroom. Indeed, the next window along No 9's rear elevation, also small in width, is a significant distance from this point with the largest window, clearly lighting a bedroom, positioned further.
6. The Council considers that the depth and proximity of the extension, relative to No 9 would have an overbearing impact on the neighbouring occupiers thereto, adversely affecting their outlook. I disagree as, given the window arrangement I have described, the intended set-in from the boundary and also the south-eastern orientation, I do not consider that the proposed extension would affect No 9 so significantly as to represent an unneighbourly form of development. I also consider that the extension has been suitably designed to take account of its setting and would not conflict with the aims of paragraphs 56-59, 61 and 64 within the National Planning Policy Framework (the Framework) which, together, are concerned with the design of new development and its implications.
7. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no conflict with relevant advice contained within the Framework.
8. For the above reasons and, having had regard to all matters raised, the appeal succeeds. In terms of conditions, to ensure a satisfactory appearance I impose a requirement that the extension be built using external materials to match that of the existing dwelling. Also, in the interests of certainty, I impose a condition requiring that the development be built in accordance with the approved plans. Finally, as a safeguard for the protection of the privacies of neighbouring occupiers I impose a condition prohibiting the installation of windows in the extension's flank walls.

Timothy C King

INSPECTOR