
Appeal Decision

Site visit made on 23 March 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/X2220/D/17/3169103

3 Cypress Grove, Elvington, Kent, CT15 4NP

- 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 Mrs Elizabeth McCreedy against the decision of Dover District Council.
 - The application Ref DOV/16/01401, dated 7 December 2016, was refused by notice dated 27 January 2017.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 3 Cypress Grove, Elvington, Kent, CT15 4NP in accordance with the terms of the application Ref DOV/16/01401, dated 7 December 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no openings shall be constructed in the first floor of the south (side) elevation of the building other than as hereby approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 16129EM-PP-01, -02, -03, -04, -05, -06, -07, -08, -10, -11, -12, -13 & -14.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to privacy.

Reasons

3. The proposed extension would be a two storey addition to the side of a modest two-bedroom semi-detached house, which stands within a small estate of similar housing. The design of the extension would respect the form of the
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existing property and wider estate, and so the character of the area would be retained.

4. The extension would bring the property closer to the gardens of Nos. 1 and 2 Cypress Grove to the south east. The distance retained to the boundaries would be sufficient to ensure no overbearing impact. Due to the angle of gardens, the first floor front window in the proposed extension would look towards the rear garden of No. 2, and to a lesser extent at No. 1. However, I saw at my site visit that this garden already experiences overlooking from the existing first floor front window serving the bedroom of No. 3. An additional window would lead to further overlooking, but I concur with the submissions of the appellant that this would not lead to a material change in the degree of privacy experienced by No. 2, or for No. 1. The proposed bedroom is relatively small, and I agree that the propensity for occupants of No. 3 to look out of that bedroom window will be very limited throughout the day and evening; whilst no doubt there may be some views out, the infrequent nature of this would not lead to any material change in overlooking from that which occurs at present.
5. It is therefore my judgement that the proposed development would not lead to any material change to levels of privacy for existing occupants. Thus, there would not be any conflict with paragraphs 17 and 64 of the National Planning Policy Framework, which seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
6. The appeal is therefore allowed. I have attached the Council's suggested conditions requiring matching materials, to ensure a satisfactory appearance to the development, a condition preventing windows on the side elevation in order to prevent overlooking arising from other openings, and a further condition specifying the relevant drawing as this provides certainty. As there would not be any material harm to amenity I have not attached the suggested condition requiring the front window to be obscure glazed.

C J Leigh

INSPECTOR