

Appeal Decision

Site visit made on 27 March 2017

by Clive Tokley MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/V2255/D/17/3166468

89 Scarborough Drive, Minster on Sea, Sheerness, ME12 2NQ.

- 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 McKinley against the decision of Swale Borough Council.
 - The application Ref 16/505709/FULL, dated 6 July 2016 was refused by notice dated 18 October 2016.
 - The development proposed is first floor and single storey extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor and single storey extensions at 89 Scarborough Drive, Minster on Sea, Sheerness, ME12 2NQ. The permission is in accordance with the terms of the application, Ref 16/505709/FULL, dated 6 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: 1369/1, 1369/2, 1369/3 and 1369/4.
 - 3) As shown on approved drawing number 1369/4 the proposed roof lights shall have a sill height of at least 1.7m above inside finished floor level and the proposed window on the first floor south eastern flank elevation shall have a sill height of at least 2m above inside finished floor level.
 - 4) The balcony accessed from bedroom 1 shall not be used until a barrier as indicated on drawing Number 1369/4 has been constructed on all three sides. That barrier shall thereafter be retained and the flat roof area above the garage and study shall not be used as a balcony, sitting-out area or similar amenity area.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupiers of Nos 87 and 91 Scarborough Drive as regards overlooking.
-

Reasons

Character and appearance

3. Scarborough Drive is a residential street comprising a mixture of houses and bungalows. The appeal property along with Nos 87 and 91 Scarborough Drive and 32 and 34 Seaside Avenue form a cluster of bungalows at the junction of the two roads. No 89 is set back on its plot with its front garden being deeper than the rear garden. Some of the dwellings in the area appeared to me to be of relatively recent construction and it was evident that a number of others had been remodelled and extended. The majority of dwellings are of a traditional brick/render and tile construction but I saw a number of more contemporary designs with different forms and external materials.
4. The Council's *Planning and Development Guidelines No 5 – Designing an Extension* indicates that extensions should respect or reflect the character and appearance of the existing building; however the proposal would represent a radical change in the bungalow and would be tantamount to a new dwelling.
5. The resultant dwelling would be taller than the bungalows on each side but I consider that the massing of the proposal and the space between the buildings would be sympathetic to the character of the area where bungalows and chalets are interspersed with full two-storey houses. The render and composite weather boarded finish under a slate roof with angular glazed areas would reflect the design features of other more recent development in the area which in my view make a positive contribution to its sea-side character.
6. On this issue I have concluded that the proposal would be consistent with the distinctive character of the area and would not conflict with Policies E1, E19 and E24 of the Swale Borough Local Plan 2008 (BLP) which seek to ensure that all developments, and specifically alterations and extensions, are well designed and appropriate to their location. The refusal reasons refer to policies in the emerging Swale Borough Local Plan which have the same objectives as the BLP policies. I have received no indication of the current status of that document and I have therefore relied on the BLP policies which are generally consistent with the Framework.

Living conditions

7. The Council's concern about overlooking arises from the proposed balcony accessed from bedroom 1 at the front of the dwelling. The balcony would be about 1.5m in depth and 3.5m in width. The drawings indicate that it would be bordered by a transparent screen which would separate it from the flat garage roof at the side of the house.
8. The balcony would enable an angled view back towards the rear garden of No 87; however this would be limited by the rearward projection of that bungalow and the intervening proposed garage, boundary fence and laurel hedge in the garden of No 87. Therefore whilst there would be a narrow view into the garden this would not materially detract from the privacy of the occupier of No 87.
9. The boundary with No 91 is bordered by trees and shrubs beyond which a single garage extends back from a point roughly in line with the rear wall of the bungalow. The application form indicates that the proposal would not

necessitate the removal of trees or hedges; however their future retention cannot be relied on. Nevertheless at its nearest point the balcony would be about 10m from the boundary with No 91 and I consider that this distance and the screening arising from the garage at No 91 would be sufficient to prevent unacceptable overlooking.

10. The Council's guidelines indicate that balconies will only be approved in exceptional circumstances. However each proposal must be considered on its own merits and in the case of the appeal proposal the balcony would not result in unacceptable harm to amenity.
11. The occupiers of Nos 30, 32 and 34 Seaside Avenue have expressed concern that the proposal would result in overlooking of their properties. However the high level windows and roof-lights to bedroom 2 would not result in unacceptable overlooking and the only rear-facing windows would be at an oblique angle and distant from those properties. The occupier of No 34 indicates that the proposal may overshadow some of the bungalows but taking account of the height of the proposal and its distance from neighbouring dwellings I consider that it would not result in any unacceptable loss of light.
12. On this issue I have concluded that the proposal would not conflict with Policies E1 and E24 of the BLP which seek to ensure that residential amenity is protected.

Conditions

13. I have imposed the normal conditions controlling commencement and identifying the approved drawings. The use of the garage roof as a sitting-out area would result in unacceptable overlooking (of No 87) and I have imposed a condition to prevent this. For similar reasons (in relation to all neighbouring properties) I have imposed a condition requiring that the south east facing gable window and the roof lights are constructed in accordance with the approved drawings. The Council indicates that in order to safeguard the privacy of future occupiers the window in the en-suite should be glazed in obscured glass. I have little doubt that obscured glass would be employed but this is a matter for the appellants and in my view a condition preventing views into the en-suite is not justified.

Conclusion

14. Taking account of all matters I have concluded that the proposal would not be harmful to the character and appearance of the area or the living conditions of the occupiers of Nos 87 and 91 Scarborough Drive as regards overlooking and that the appeal should succeed.

Clive Tokley

INSPECTOR