The Planning Inspectorate

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: 20 April 2017

Appeal Ref: APP/V2255/D/17/3169107

Windyridge, Wrens Road, Borden, Sittingbourne, ME9 8JD.

- 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 Peter Fresia against the decision of Swale Borough Council.
- The application Ref 16/506726/FULL, dated 26 August 2016 was refused by notice dated 22 November 2016.
- The development proposed is a two storey extension to side and rear of dwelling for a disabled person.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Sunnyside as regards outlook and Wimereux as regards privacy.

Reasons

3. Windyridge is a semi-detached house attached to Sunnyside which lies roughly to the south. Wimereux is to the north of Windyridge and the houses are separated by wide driveways that provide access to garages to the rear of the dwellings.

Sunnyside

4. Sunnyside has a full-width ground-floor rear extension that projects back about 1.9m along the common boundary. The part of the extension nearest to Sunnyside has a glazed roof. The proposed extension would project 4m along this boundary with a two-storey flank wall and a hipped roof above. The drawing is insufficiently detailed to show how the roof edge would be treated but it appears that there would be no overhang of the boundary.

5. The Council's *Planning and Development Guidelines No 5 – Designing an Extension* (PDG) indicates that in order to have regard to the outlook from neighbouring properties extensions to semi-detached properties on common boundaries should not normally project back more than 3m at ground floor level and 1.8m at first floor level. The presence of the single storey projection

at Sunnyside with its high flank wall would enable some flexibility on the ground floor; however the two-storey proposal would extend more than 2m beyond that extension with a full 4m projection beyond the first floor wall close to a bedroom window. I consider that an extension of the size proposed alongside the boundary with Sunnyside would be unacceptably harmful to the outlook from ground floor and first floor rear-facing windows. In addition the flank wall of the proposal would be an overbearing structure alongside the rear garden of Sunnyside immediately behind the conservatory.

6. The appellant refers to an application by the occupiers of Sunnyside for a 6m single storey rear extension and submits a decision notice indicating that prior approval is not required from the Council. An extension of that length would overcome concerns raised by the ground floor element of the proposal and its effect on the garden area; however it would not mitigate the effect of the first floor on the outlook from the upper floor of Sunnyside. I have seen no indication of any firm intention to construct an extension at Sunnyside or any indication that its development would be linked to that of the proposal. I must therefore give limited weight to that possibility which, in any event, would not overcome my concerns.

Wimereux

7. Wimereux has a two-storey rear extension resulting in one of the bedrooms being lit by a side-facing window. The proposal would result in a similar side - facing window which would be directly opposite the window in Wimereux. Wimereux also has two clear-glazed ground floor windows in the side wall facing the appeal property. The proposed window would enable views down into ground floor windows and across to the bedroom window from close range. The appellant indicates that obscured glazing could be specified for the side window; however this would result in a poor environment within the bedroom. In my experience there are likely to be other design solutions to this issue; however that would be a matter for the appellant.

8. The staircase window at Windyridge already results is some overlooking of Wimereux; however I consider that the proposal would worsen the overlooking effect. In the light of my conclusion on the effect on Sunnyside there is no need for me to consider whether this matter could be resolved through the use of conditions.

Other matters

9. I note the appellant's wish to enlarge the house to accommodate his mother; however in my view the size and nature of the plot would enable alternative extensions that would not result in the harmful reduction of the amenities enjoyed by the occupiers of adjacent properties that would arise from the appeal proposal.

10. The appellant points out that neither of the neighbours objected to the proposal. However my determination of the appeal is based on an objective assessment of the proposal taking account of the Council's policies and guidelines. I consider that as regards house extensions those policies and guidelines are consistent with national policy in the National Planning Policy Framework which in paragraph 17 indicates that planning should always seek to secure a good standard of amenity.

Conclusion

11. I consider that the proposal would result in demonstrable harm to the amenities of the occupiers of Sunnyside and Wimereux as regards outlook and overlooking respectively. It would therefore conflict with Policies E1 and E24 of the Swale Borough Local Plan 2008 and the PDG.

12. I have had regard to the personal circumstances that have resulted in the application being submitted; however I consider that the benefit accruing to the appellant and his family would be outweighed by the harm to the living conditions of the occupiers of the neighbouring houses and that the appeal should not succeed.

Clive Tokley

INSPECTOR