

Appeal Decision

Site visit made on 9 June 2017

by R J Maile BSc FRICS

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

Decision date: 29 June 2017

Appeal Ref: APP/A2280/D/17/3172358

116a Maidstone Road, Rochester, Kent, ME1 3DT.

- 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 Dwayne Cawley against the decision of The Medway Council.
 - The application ref: MC/17/0313, dated 25 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is: "Construction of a first floor extension to facilitate conversion of existing bungalow to two storey house (revised scheme following refusal of MC/16/2494)."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue here is the effect of the proposal upon the residential amenities of existing and future occupiers of 2 Grange Way in terms of loss of daylight/sunlight and outlook.

Reasons

3. The subject property is a detached bungalow fronting Maidstone Road (B2097) and with a return frontage to Grange Way. The surrounding area comprises modern detached houses to the north, an inter-war parade of shops with flats over to the south, plus a selection of 1920's detached houses to the west in a variety of styles and materials.
 4. 116a Maidstone Road is the only remaining bungalow in the area. Accordingly, and given the form of surrounding development, I see no objection in principle to the scheme now before me in design terms. Indeed, this was the conclusion of the Inspector who determined an appeal in respect of a similar scheme for a first floor extension to no. 116a (ref: APP/A2280/D/16/3163457).
 5. I have been provided with a copy of the Inspector's decision letter of 4 January 2017 and agree with his conclusions at paragraph 5 that the proposals would follow many of the conventions of the adjoining properties and would therefore
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- be appropriate to the character and appearance of the built and natural environment, as required by Policy BNE1 of the Local Plan¹.
6. Following that appeal the scheme has been amended in an attempt to overcome the Inspector's concerns as to the impact of the proposal on the living conditions of the occupiers of 2 Grange Way.
 7. The subject property is situated to the southeast of no. 2 and is at a lower level (approximately 0.9m). These factors are highly relevant in assessing the likely impact of the proposal in terms of loss of sunlight.
 8. From the comments made at paragraph 8 of the previous Inspector's decision, it would appear that he was not made aware of the current situation in relation to the impact of the existing bungalow upon no. 2 in terms of loss of sunlight.
 9. More detailed information has been provided to me in the form of existing shadowing models. These clearly demonstrate that the proposal the subject of this appeal would give rise to only a minor increase in shadowing affecting a very small section of the rear garden of no. 2.
 10. The principal windows to no. 2 overlook the rear garden, the garage belonging to that property being sited between the main house and the boundary with no. 116a.
 11. From my observations made on site I am satisfied that there would be no loss of daylight to any of the habitable room windows serving 2 Grange Way having regard to the detailed relationship between the two dwellings and, in particular, the separation distance between the rear-facing windows of no. 2 and the west elevation of no. 116a as proposed.
 12. Notwithstanding my comments above concerning daylight/sunlight issues, the relationship between no. 116a and the rear private garden of 2 Grange Way is unusual. The western elevation of no. 116a projects approximately 7m beyond the original rear elevation of no. 2, representing approximately 40 per cent of the depth of the rear garden to that property.
 13. The current scheme has attempted to address concerns as to the impact of the extension upon the outlook from no. 2 by ensuring that the rearmost part of the new structure would have a reduced ridge height. Nevertheless, given its increased height and proximity to the boundary wall the bulky and unrelieved west elevation to no. 116a would appear as a dominant feature and create an oppressive outlook as viewed from the rear garden and rear-facing first floor windows of 2 Grange Way.
 14. On balance, this factor has led me to conclude that the scheme before me would have an unacceptably harmful impact on the living conditions of existing and future occupiers of 2 Grange Way by reason of increased enclosure and dominance.
 15. I have therefore found on the main issue that development as proposed would be contrary to the requirements of Local Plan Policy BNE2 (Amenity Protection) and its supporting text.

¹ The Medway Local Plan 2003.

Conclusion

16. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR