
Appeal Decision

Site visit made on 5 July 2017

by Cullum J A Parker BA (Hons) MA MRTPI IHBC

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

Decision date: 14th July 2017

Appeal Ref: APP/U2235/D/17/3176636

Windy Post, Church Street, Teston, ME18 5AG

- 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 Parker against the decision of Maidstone Borough Council.
 - The application Ref 17/500111/FUL, dated 10 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is *'new pitched front porch and removal of existing rear conservatory to be replaced with rear single storey extension. Also alterations to hip end roof end to new gable end, including loft conversion.'*
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Decision

1. The appeal is allowed and planning permission is granted for new pitched front porch and removal of existing rear conservatory to be replaced with rear single storey extension. Also alterations to hip end roof end to new gable end, including loft conversion at Windy Post, Church Street, Teston, ME18 5AG in accordance with the terms of the application, Ref 17/500111/FUL, dated 10 January 2017, 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 690/PL/01, 690/PL/02 and 690/PL/03A.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to outlook from the adjoining property Trowfair.

Reasons

3. The appeal site comprises a detached bungalow of brick and tile construction. To the front of the building there is a garden and area of hardstanding which also runs along one side of the building. To the rear there is a conservatory with a mainly lawned garden beyond. The boundary treatment with Trowfair is formed by a 1.8 metres close boarded fence. An earlier proposal was refused
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by the Council (ref 16/507012/FULL), the reasons for which the current appeal scheme sought to overcome.

4. In this respect, the Council is broadly content that the design is acceptable; as evidenced in the officer report that '*the single storey rear extension would not now be detrimental to the character and appearance of the host building*'. I see no reason not to concur and have therefore framed the main issue in terms of the impact on living conditions.
5. In this respect, the Council is concerned that as the height of the eaves and overall footprint of the proposed rear extension has not been reduced this would harm the outlook of the occupiers of Trowfair. The proposal in this case seeks a relatively small increase in the rear roof so that it changes from a hipped to a barn hip style form. It also seeks a single storey crown roof rear extension, which would span across most of the rear extension; however its depth would not be dissimilar to the existing conservatory.
6. There are no side openings in the flank wall of Trowfair visible from within Windy Post. What is more there is a tall close boarded fence on the boundary between the two properties. Whilst the proposal would result in some loss of outlook when looking out to the right hand side from Trowfair, in the main views of the garden at Trowfair from that property and the wider environment would remain. The reality is that there would be a small section of crown roof which would protrude above the fence, but this would not be to a level that would be oppressive for the occupants of Trowfair; whether in the building or in the garden.
7. Added to this is the fact that the gardens face a roughly southern direction, meaning that for most of the day light levels are unlikely to be adversely affected. The combination of the overall relatively small scale of the changes to the rear roof form and the use of a crown roof for the extension, together with the south facing garden and close boarded fence means that the proposal would not result in a materially harmful loss of outlook for the occupants of Trowfair.
8. I therefore conclude that the proposal would not have an unacceptable or materially harmful impact on the living conditions of neighbouring occupiers, with specific regard to outlook from the adjoining property Trowfair. As such the proposal would accord with Policy H18 of the *Maidstone Borough Wide Local Plan 2000* as supported by the *Residential Extensions SPD 2009*, which, amongst other aims, seeks to ensure that extensions and additions to residential properties will respect the amenities of adjoining residents regarding daylight, sunlight and pleasant outlook.
9. It would also accord with emerging Policies DM1 and DM8 of the *Maidstone Local Plan 2016 (Submission version) February 2016* and the Policies of the *National Planning Policy Framework* (the Framework) which seek similar aims.

Conditions

10. In imposing planning conditions, I have considered Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. Conditions requiring the use of matching materials and that the scheme be carried out in accordance with the submitted drawings are necessary and reasonable for the avoidance of doubt and to provide certainty.

11. The Parish Council have suggested the use of a condition in terms of retaining the existing hardstanding parking area. However, as this area already exists it would be onerous and unreasonable for such a condition in this instance to be imposed.

Conclusion

12. For the reasons given above, and having considered the scheme in its entirety, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR