

Appeal Decision

Site visit made on 24 July 2017

by Clive Tokley MRTPI

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

Decision date: 3 August 2017

Appeal Ref: APP/A2280/D/17/3175965
35 Boxley Road, Chatham, ME5 9LF.

- 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 S Lewis against the decision of Medway Council.
 - The application Ref MC/17/0920 dated 10 March 2017 was refused by notice dated 8 May 2017.
 - The development proposed is described on the application form as addition of new storey.
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Decision

1. The appeal is dismissed.

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 No 31 Boxley Road as regards light, outlook and privacy.

Reasons

Character and appearance

3. Boxley Road traverses a steep slope resulting in houses to the south west being at a lower level than the road with those to the north east (including the appeal property) being at a much higher level. The north east road frontage is occupied by a range of houses, chalets and bungalows with no consistency of design.
 4. From the front the appeal dwelling appears to be a two-storey detached house with a gabled roof; however the house is built into the hillside and the steep slope results in the rear elevation being that of a single-storey dwelling. To the north west are a detached chalet at No 31 (there is no 33) and a pair of chalets (Nos 27 and 29). No 37, immediately to the south east of the appeal dwelling, has a mansard style roof. This has steeply-pitched faces rising from the eaves on all sides topped by a shallow hipped roof with a central ridge running parallel to the road.
 5. The proposed additional storey would be created by adding an extra floor to the top resulting in the dwelling appearing as a three storey building at the front and a two storey building at the rear. The appellant indicates that the overall
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height of the proposal would be no more than No 37. However the full height at No 37 is set back from the front elevation and when standing on the pavement on the opposite side of the road I could just see the decorative ridge tiles above the top of the mansard section of the roof.

6. I do not have a street elevation of the proposal alongside No 37 but my impression was that the eaves of the appeal dwelling are at a slightly lower level than those of No 37. I estimate that as extended the eaves of No 35 would be roughly in line with the top of the mansard element of the roof of No 37.
7. The mansard element of No 37, with its different materials, angled faces and set back ridge, assists in reducing its apparent bulk when seen from the road. This contrasts with the appeal proposal where the full-height gable-ended design would have a taller vertical face than No 37. From the front the proposal would appear to be noticeably taller than No 37. I consider that as a result of its height and design the proposal would appear out-of-place between the chalet and No 37 and would unacceptably detract from the character and appearance of the area.
8. The appellant draws my attention to a house to the north west (which he identifies as No 13) which is built over four floors. However in that house the lowest floor has been exposed by excavation and the topmost floor (which would be the equivalent of the proposal) is within a half-hipped roof. I have noted the disparity between the height of that dwelling and its neighbours and its prominence in the street scene. To my mind that dwelling does not reflect the prevailing character of the street and its presence does not convince me that the proposal would be acceptable. The appellant also refers to the trees in front gardens which, when in leaf, provide a degree of screening from some angles of view. However the trees would not disguise the presence of the extended building and their retention cannot be guaranteed.
9. The proposal would unacceptably detract from the character and appearance of the area and would therefore conflict with Policy BNE1 of the *Medway Local Plan* adopted in 2003 (LP). It would also conflict with the *National Planning Policy Framework* which indicates that planning should always seek to secure high quality design that reflects the distinctiveness of the area.

Living conditions

10. The gardens of the appeal property and No 31 rise steeply from the rear of the houses and they are terraced to provide usable space. The kitchen window of No 31, which is the nearest to No 35, has an outlook onto a narrow paved area with steps up to a similarly-paved narrow terrace beyond. The floor level and rear eaves line of No 31 are lower than that of No 35 and the rear wall of the appeal house is set back from No 31. However taking account of the off-set of the kitchen window from the side wall and the limited depth of the proposal I consider that the outlook from that window would not be harmed. The additional storey height of the proposal would be in view from the rear garden of No 31 but as a result of the limited set back I consider that the proposal would not be over-dominant.
11. The proposal would lie to the south east of No 31 and the increased height at the rear of the house would cast a larger shadow over its rear garden. However the extent and effect of that shadow would be limited by the rising land and I

consider that any harm arising from this would not be sufficient to justify the refusal of permission. The proposal would reduce the amount of natural light reaching the glazed door in the side wall of No 31; however the main source of light is the kitchen window and the oblique angle to the proposal would prevent a material loss of light to the rear of the house.

12. The rear garden of No 31 is already overlooked from a window in the flank wall of No 35 and from the paved area immediately to the rear of that house. The rising land limits the extent to which the more distant parts of the garden are currently seen. The introduction of windows at (effectively) first floor level would increase the extent to which those areas would potentially be overlooked. However the relationship between the upper floor windows and the garden of No 31 is what might reasonably be expected in a residential area and I consider that the degree of overlooking would not be sufficient to justify the refusal of permission.
13. On this issue I conclude that the proposal would not unacceptably detract from living conditions of the occupiers of No 31 Boxley Road and would not conflict with LP Policy BNE2 (Amenity protection).

Conclusion

14. Taking account of all matters I have concluded that the proposal would not be harmful to the living conditions of the occupiers on No 31 Boxley Road; however I conclude that it would unacceptably detract from the character and appearance of the area and for that reason the appeal should not succeed.

Clive Tokley

INSPECTOR