
Appeal Decision

Site visit made on 30 August 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/K2230/W/17/3175808
61 Lamorna Avenue, Gravesend DA12 5PS

- 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 R Thamey against the decision of Gravesham Borough Council.
 - The application Ref 20170201, dated 27 February 2017, was refused by notice dated 31 March 2017.
 - The development proposed is subdivision of plot and erection of a new 2x storey dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the living conditions of occupiers of 61 Lamorna Avenue with particular regard to outlook; and
 - the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

Living conditions

3. The proposed dwelling would be attached to the side of 61 Lamorna Avenue and would extend at two storeys for 3m to the rear of that property, and a further 3m at ground floor. Windows to the rear of no. 61 closest to the proposed property serve the kitchen at ground floor with bathroom above and with dining room and bedroom further from the proposed extension. Immediately to the rear of the property is a small patio area and the neighbouring property at no. 63 has a small single storey rear extension close to the boundary.
4. Given the depth of the proposed property and proximity to the retained dwelling, particularly the two storey element, the patio and kitchen window would be dominated by the proposed development. As such, it would harm the outlook of occupiers of no. 61.

5. Whilst there may be some shading of the closest windows of no. 61, given the use of the rooms within any loss of daylight or sunlight would not materially affect the living conditions of existing or future occupiers of that property.
6. I note that planning permission has been granted for a similar extension to the property that would add living accommodation to the existing dwelling. However, whilst that would have a similar effect on the kitchen window and patio area, as it would be occupied by the residents of the property and would retain the whole of the modest rear garden of the property, it would not have the same adverse effect on their living conditions.
7. For these reasons, I conclude that the proposed dwelling would harm the outlook of occupiers of the existing dwelling at 61 Lamorna Avenue, such that it would adversely affect their living conditions. As such, it would be contrary to Policy CS19 of the CS and the National Planning Policy Framework (the Framework), taking account of the contents of Kent Design Guide, that requires new development to be located, designed and constructed to safeguard the living conditions of occupiers of neighbouring properties.

Character and appearance

8. Lamorna Avenue comprises a mix of detached, semi-detached and terraced two storey houses and bungalows, the detached and semi-detached houses tending to be on wide plots. This results in a varied and spacious character to the area. 61 Lamorna Avenue is a semi-detached property with a detached garage to the side that extends some distance along the property boundary. Beyond that is an access and substantial rear gardens to the houses fronting the section of Lamorna Avenue that is at right angles to the part of the road on which no. 61 is situated.
9. The proposed dwelling would be attached to the side of the existing property over two storeys to the property boundary. It would be set slightly lower than the existing property and the front elevation would be set back from that of the existing building. This would result in it appearing as a subservient extension to the building and would reflect the density of the surrounding area, taking account of the mix of dwelling types and styles.
10. I understand that an extension to the property has previously been approved that would have an additional door to the front of the proposed dwelling, but would be otherwise identical. This, along with any changes to the boundary between the resulting properties and treatment of the frontage areas with porous hard surfacing that may be softened with some planting, would signify that there would be an additional dwelling in this location. However, taking all these factors into account, the addition of a dwelling to the side of the existing would not have a materially greater effect on the character and appearance of the area over and above the approved extension.
11. For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. As such, it would not conflict with Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (CS) and the Framework that seek to achieve good design and a range of dwelling types and sizes, taking account of the density and distinctive character of the area.

Other matters

12. I understand that the proposed dwelling has been designed to meet relevant space standards and both resulting dwellings would be provided with small, but adequately sized, gardens. Parking would be provided to the front of the properties, comprising two spaces for the existing property and a single space for the proposed dwelling that would meet the needs of occupiers of the properties. Consent has already been granted for a vehicle crossover to the front of the existing property to the highway. However, these matters would not affect my conclusions on the main issues.
13. Other surrounding dwellings, including 49-59a and 63 Lamorna Avenue, and 33 Arnold Road, are separated from the proposed development by rear gardens. Given this degree of separation, occupiers of those properties would not be materially affected by the proposed dwelling.
14. I note that prospective future occupiers would be aware of the relationship between the properties and would take this into account when deciding whether to live in the existing dwelling. However, this would not overcome the harm I have found to the living conditions of occupiers of 61 Lamorna Avenue.
15. I note that it is possible to extend properties under the Town and Country Planning (General Permitted Development) (England) Order 2015 but limited information has been provided as to how such extensions would affect the existing dwelling. In any event, I need to assess the proposed development on its individual merits.

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR