



Appeal Decision

Site visit made on 2 October 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 9th October 2017

Appeal Ref: APP/X2220/D/17/3179989
15 Nursery Lane, Whitfield CT16 3HD.

- 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 H Roberts against the decision of Dover District Council.
 - The application Ref DOV/17/00472, dated 21 April 2017, was refused by notice dated 28 June 2017.
 - The development proposed is proposed single storey rear extension and new driveway to front of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed single storey rear extension on the living conditions of the occupiers of 13 Nursery Lane with particular regard to outlook and light.

Reasons

3. The appeal property at 15 Nursery Lane and its pair at No 13 are semi-detached bungalows located on Nursery Lane's south-eastern side. Both properties are set back considerably further from the street than neighbouring properties at Nos 11 and 17. The sloping rear gardens of Nos 13 and 15 are separated by close-boarded timber fencing of approximately 1.8m in height.
4. The master bedroom of No 13 is situated adjacent to the boundary with the appeal property. This bedroom is served by a single window which faces a patio and the rear garden beyond. The rear door to No 13 is located between the master bedroom window and an existing extension which forms the living room of No 13. The living room is situated approximately 2.5–3m from the shared boundary with the appeal property. The living room is served by a window facing No 13's rear garden and patio doors facing the shared boundary fence and abutting a patio area.
5. The proposed development at the appeal property would include the erection of a flat-roofed single storey rear extension with a lantern rooflight. The proposed extension would be approximately 6.3m in depth stretching across the full width of the existing bungalow. The proposed extension would lie in close proximity to the boundary with No 13.

6. The proposed extension would significantly increase the mass and bulk of the built form in comparison with the existing bungalow at No 15. Although the appellant has reduced the bulk of the proposed extension by amending the proposed development to replace a pitched roof with a flat roof, the long side wall of the proposed extension would still, in my view, create a heightened sense of enclosure and have a visually overbearing effect on the occupiers of the neighbouring house and garden at No 13. I consider this to be the case despite the proposed extension being approximately 3m in height and flat-roofed.
7. Furthermore, given the orientation of the proposed extension relative to the existing habitable room window, patio doors and the patio at No 13, the increased height of the proposed extension over the existing boundary fencing would reduce the light reaching the window, doors and patio at certain points in the day. This would result in some loss of light and overshadowing, particularly to the bedroom window and patio area. This negative effect on the living conditions of the occupiers of No 13 would contribute to the harm already identified with regard to outlook.
8. I note the appellant's concerns regarding the Council's assessment of the proposed extension using 25 and 45 degree guidelines based on information issued by the Building Research Establishment. I have not been provided with any development plan policy basis for the use of these guidelines, as the Council has only referred to the National Planning Policy Framework (the Framework) in its decision notice. Although I have had regard to the Council's officer report which uses the guidelines, I have considered this appeal on its own merits based on the evidence before me.
9. In the absence of relevant development plan policies, paragraph 14 of the Framework requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council has not provided me with any relevant development plan policies and so I have applied this paragraph of the Framework in this instance.
10. The proposed extension would provide additional living space for the future occupiers of the dwelling. However, personal circumstances seldom outweigh general planning considerations. I therefore attach very little weight to this as a benefit. In terms of adverse impacts, there would be a marked negative effect on the living conditions of the occupiers of No 13, with regard to outlook and light. Therefore, the adverse impacts of the proposed extension would significantly and demonstrably outweigh the benefits. In these circumstances, the proposal would not represent sustainable development.
11. I conclude that the proposed single-storey rear extension would represent an overbearing form of development which would have an adverse effect on the living conditions of the occupiers of 13 Nursery Lane, having regard to outlook and light. Consequently, the proposed extension would conflict with the Framework which seeks at paragraphs 17, 56 and 64 respectively to secure a good standard of amenity for all existing occupants of land and buildings; to make places better for people; and to take opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

12. With regard to the proposed driveway proposed at No 15 as shown on plan EMA-2017-064-01 Rev 03, the Council has not confirmed whether it considers that the vehicular access and parking area within the front garden space of No 15 would be acceptable or not. In any event, I am dismissing the appeal for other reasons.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I conclude that this appeal should be dismissed.

J Gilbert

INSPECTOR