
Appeal Decision

Site visit made on 14 November 2017

by Rory MacLeod BA MRTPI

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

Decision date: 21 November 2017

Appeal Ref: APP/G2245/D/17/3180397
96 Glendale, Swanley BR8 8TB

- 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 James Storm against the decision of Sevenoaks District Council.
 - The application Ref SE/17/01319/HOUSE, dated 24 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is a single storey flat roof rear extension with roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey flat roof rear extension with roof lights at 96 Glendale, Swanley BR8 8TB in accordance with the terms of the application Ref SE/17/01319/HOUSE, dated 24 April 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1711-0000, 1711-2000, 1711-2001 and 1711-2002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of adjoining property.

Reasons

3. The appeal relates to an end of terrace two storey house attached to no.94 Glendale. There is a passageway to its northern side separating the site from no.98 Glendale the nearest house in the adjacent terrace. There are high fences in the back garden to both side boundaries that rise in height with the increase in land levels towards the rear of the site.
4. The proposed extension would be about 4m deep and 2.9m high to a flat roof with two roof lights. A new patio would be excavated beyond this with steps up to the rear part of the garden.

5. There is a 3m deep conservatory at the rear of no.98 Glendale. This would be separated from the proposed extension by the width of the side passageway. The side boundary fence at no.98 would also help to screen the development. As such, there would be no significant adverse effect on the living conditions of occupiers here.
6. At the rear of no.94 Glendale, there are sliding patio doors to a dining room set in about 0.3m from the boundary with no.96. Whilst the proposal would fail the 45 degree test in relation to daylight to the dining room advocated in the Council's Residential Extensions Supplementary Planning Document (2009), there would be only a limited effect on sunlight as the extension would be to the north-east. The extension at about 2.9m high would not result in a substantial increase in height over that of the present boundary fence. The dining room is also a through room benefitting from other light sources. Notwithstanding its depth in excess of the SPD guideline of 3m, the extension would not result in an unduly dominant, overbearing or unneighbourly form of development.
7. Overall my findings are that the proposal would not have a significant adverse effect on the living conditions of the occupiers of nos.94 and 98 Glendale in relation to loss of light or loss of outlook. As such it would comply with the requirements of Policy EN2 of the Sevenoaks Allocation and Development Management Plan (2015) that seek to safeguard the living conditions of the occupiers of nearby properties from overlooking, visual intrusion and unacceptable loss of privacy or light. Neither would there be conflict with Paragraph 17 of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

8. For the reasons set out above the appeal is allowed and planning permission granted. This is subject to conditions necessary to limit the duration of the permission, to list the plan numbers in the interests of certainty and to ensure a satisfactory appearance to the development.

Rory MacLeod

INSPECTOR