



Appeal Decision

Site visit made on 25 June 2019

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/U2235/D/19/3224110

6 The Covert, Chatham ME5 9JJ

- 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 Dean Simmons against the decision of Maidstone Borough Council.
 - The application Ref 18/506178/FULL, dated 23 November 2018, was refused by notice dated 5 March 2019.
 - The development proposed is a two storey side and front extension combined with a first floor side extension above existing ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and front extension combined with a first floor side extension above existing ground floor extension, at 6 The Covert, Chatham ME5 9JJ, in accordance with the terms of the application, Ref 18/506178/FULL, dated 23 November 2018, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 19490 A, 19490 B, 19490 C and 19490 D.
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed at first floor level or above in the extensions hereby permitted other than those shown on the approved drawings.
 - 5) Prior to occupation of the development hereby permitted, the rooflight in the rear elevation shall be installed so as to be non-opening and fitted with obscured glass and thereafter be retained as such.
 - 6) Development shall be carried out in accordance with the details of the Arboricultural Method Statement Ref GRS/TS/TPP/AMS/33/14, including compliance with all tree protection and supervision arrangements therein, unless the local planning authority gives written consent to any variation.

Main Issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 4 The Covert, with regard to whether the development would appear overbearing.

Reasons

Living conditions

3. The appeal concerns a detached two storey dwelling where the proposal includes extending to the side at first floor level above a single storey part adjacent to the boundary with 4 The Covert. During my site visit I was able to assess the effect of the development from the garden and ground and first floor rooms at the neighbouring property. The development would be visible from the back garden and within the dwelling but this does not in itself mean that there would necessarily be such an oppressive sense of enclosure that the development would appear overbearing.
4. The adjacent house is set at an appreciably lower level than the host dwelling, while the first floor addition would be relatively close to the boundary. However, the plot of no. 4 tapers at the back and the extension would be next to a part of the boundary located towards the rear of the amenity space. As a result, the addition would be set at a noticeable distance from the back of the neighbouring dwelling. Moreover, the addition would have a hipped end, be set back about a metre further from the boundary than the adjacent rear wall of the dwelling and have a lower height than that of the main roof. The perceived bulk would be significantly limited by these factors, with the extension appearing subordinate to the host property.
5. In these circumstances there would be no unacceptably oppressive sense of enclosure, with the scale and mass of the extension being insufficient to result in it appearing overbearing. For similar reasons there would be no undue reduction in sunlight or daylight. As a consequence of the above factors, it is concluded that the living conditions of the occupiers of 4 The Covert would not be harmed. As a result, there would be no conflict with Maidstone Borough Local Plan 2017, Policies DM 1 and DM 9, which among other things intend that development should respect the amenities of the occupiers of neighbouring properties and safeguard their outlook.

Other considerations

6. The presence of existing windows and the distances involved mean that there would be no unacceptable overlooking of adjacent properties in the Covert and Brownelow Copse. The space between dwellings would also be sufficient to prevent any undue reduction in light or outlook at neighbouring properties. Matters such as the materials, size, form and scale of the extensions would be appropriate to the host dwelling, with no adverse effect on its character or that of the surrounding area. I also note that the Council has not raised any objections in relation to these matters.
7. In any event, the previous appeal concerning the enlargement of the host dwelling was rejected solely because of the effect in relation to outlook and sunlight at 4 The Covert. The clear set back of the first floor addition would significantly limit its visual impact by introducing an appreciable degree of articulation and preventing the rear wall of the extended dwelling being set in a

single plane as in the appeal scheme. This distinguishes the current proposal and I consider that the reasons for rejecting the previous appeal have been overcome.

Conclusion

8. Taking account of all other matters raised, given the absence of any detrimental effect it is determined that the appeal succeeds. In reaching this decision I have considered the views of local residents and other interested parties.

Conditions

9. A condition specifying the approved plans is necessary to provide certainty. The facing materials used should match those of the existing dwelling to protect its appearance. A condition preventing any additional windows at first floor level or above in the extensions is necessary to protect the privacy of the occupiers of adjacent dwellings. A rooflight would be installed in the existing main roof facing towards the gardens of 2 and 4 The Covert. In order to prevent an undue actual or perceived loss of privacy due to the proximity and height of this window it should be required to have obscured glazing and be non-opening.
10. The Arboricultural Method Statement provided in this case appears to have originally been produced in connection with another application. However, the Council has not disputed its adequacy and I have no reason to believe that a condition requiring compliance with it would not adequately safeguard the adjacent trees in neighbouring properties.

M Evans

INSPECTOR