



Appeal Decision

Site visit made on 27 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/U2235/D/19/3236979
110 Reculver Walk, Maidstone ME15 8QT

- 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 Darren Zweck against the decision of Maidstone Borough Council.
 - The application Ref 19/502040/FULL, dated 10 May 2019, was refused by notice dated 28 June 2019.
 - The development proposed is a rear two storey extension of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - i) the character and appearance of the host dwelling and surrounding street-scene with regard to scale, layout and design; and
 - ii) the living conditions of the neighbouring property, No108, with particular regard to light and the living conditions of the neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site accommodates a two-storey, semi-detached dwelling. It has a pitched roof with twin dormer windows to the front and a single dormer to the rear. It also has a conservatory to the rear. The properties along this section of Reculver Way are similar in design and have front and rear gardens. There is a terrace of three bungalows which is along the side boundary of the appeal dwelling. They have short rear gardens and there is a narrow footpath which gives access to them.
4. The appeal proposal is for a part-single, part two-storey rear extension to provide an additional bedroom and ground floor living accommodation. The single-storey element would be built up to the boundary with the neighbouring property, No 108, and extend to a depth of 4.8 metres. It would also extend beyond the side wall of the existing dwelling and would have a mono-pitched roof. The first-floor element would be set away from the boundary with No 108,

- would be at slightly reduced depth than the ground floor extension and would have two pitched roofs.
5. Whilst the extension would be to the rear of the appeal dwelling, it would still look dominant and prominent when viewed from the neighbouring dwellings. It would also be visible from the street as it would extend out from the side elevation. The excessive size and bulk of the extension would unacceptably diminish the character, appearance and integrity of the host dwelling. The two pitched roofs and side extension would also be discordant and incongruous design features that would be out of keeping with the style of the existing dwelling.
 6. The appellant argues that the proposal is only marginally larger than would be allowed under national permitted development rights, however I have no details of any such comparable proposal before me. I am therefore considering the appeal proposal with regard to its specific planning merits. I acknowledge that the appeal proposal would be constructed in material to match the existing building. However, this does not alter or outweigh the harm identified.
 7. The appeal proposal would, by reason of its scale, design and appearance have a harmful effect on the character and appearance of the host dwelling. Consequently, it conflicts with Policies DM1 and DM9 of the Maidstone Borough Local Plan (LP) (2017), which require, amongst other things, seek high quality design and for the scale, height, form, appearance and siting of extensions to fit unobtrusively with the existing building.

Living conditions

8. The Council has produced guidance on residential extensions in the form of a Supplementary Planning Document (SPD) (2009). It states that extensions should not cause any significant loss of daylight to principal rooms in neighbouring properties. It highlights that a useful guideline to measure the likely impact of an extension on a neighbouring property is the '45-degree test'. The proposed ground floor extension would appear to breach this test by some margin. I acknowledge the existence of a conservatory and a boundary fence with the adjoining property and I am also mindful of the orientation of the dwellings to one another. Nevertheless, the increased height, depth and bulk of the extension is such that I am not satisfied that the proposal would not prevent an unacceptable loss of daylight and sunlight to a principal room.
9. The two-storey extension would extend beyond the side elevation of the existing dwelling and would be closer to the rear gardens of the neighbouring properties. The side elevation would change considerably and would appear overwhelming to the neighbouring properties by virtue of its excessive size and bulk in such close proximity to the rear of the dwellings.
10. Overall, the appeal proposal would be harmful to the living conditions of neighbouring properties by reason of unacceptable loss of light and would be harmful to the living conditions of occupiers of neighbouring properties through the loss of outlook and be overbearing.
11. Consequently, the proposal conflicts with Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the SPD which require, amongst other things, that daylight, sunlight and maintenance of a pleasant outlook of adjoining residents be safeguarded.

Other matters

12. The appellant has also stated that there are no objections to the proposals from either the neighbouring properties or the Parish Council. However, the lack of third-party objections does not override the particular planning harm I have identified.

Conclusion

13. For the reasons above the appeal is dismissed.

Neil Smith

INSPECTOR