



Appeal Decision

Site visit made on 9 December 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/U2235/D/19/3231813

25 Kings Acre, Downswood ME15 8UP

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Maria Tappin against the decision of Maidstone Borough Council.
 - The application Ref 19/500792/FULL dated 14 February 2019 was refused by notice dated 1 April 2019.
 - The proposed development is to demolish the conservatory and erect single storey rear extension with a pitched roof and two roof lights, a first-floor pitched roof side extension over the garage, front porch and part conversion of the garage to living accommodation.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 4 Monkdown Road, with particular regard to outlook and light.

Reasons

4. The appeal site is located on the western side of Kings Acre and to the south of the neighbouring property at 4 Monkdown. Due to the prevailing slope of Kings Acre, 4 Monkdown sits considerably lower than the appeal site. There is a single storey garage at the appeal site which is situated close to the common boundary and, furthermore, due to the modest depth of the rear garden at No 4 the distance from the side elevation of this garage to the rear elevation of the neighbouring house is not substantial. Nevertheless, at my site visit I saw that the garage at the appeal site, did not unacceptably impede on the light received by the south facing habitable rooms and the rear garden at 4 Monkdown or on the outlook.

5. However the proposed first-floor side extension over the garage, by virtue of its greater height and proximity to the southern boundary of 4 Monkdown, would have a dominating and overbearing impact when seen from No.4. This is further exacerbated by the land level difference between these two properties.
6. Although the appellant refers to a number of trees which, they consider, already limits the light at No 4, I consider they do not and instead the garden currently is well lit. Also, although there is a lean-to on part of the rear elevation of No 4, the majority of the rear windows are unobstructed.
7. The Council refer to the 45 degree BRE light test which refers to sunlight, but I do not have sufficient information before me, including the BRE guidance, to allow me to ascertain the impact of the development on sunlight received by No 4. Nonetheless, as set out above, the dominating and overbearing effect of the proposal would reduce general daylight received in, and the outlook from, the south facing habitable rooms and rear garden of 4 Monkdown.
8. In summary the proposed development would result in the living conditions of the occupiers of No.4 being unacceptably harmed. The development would therefore fail to accord with Policies DM1 and DM9 of the Maidstone Borough Local Plan, adopted 25 October 2017, which seeks to ensure development does not significantly impact upon the amenities of the occupiers of neighbouring properties. This is further echoed in the National Planning Policy Framework.

Recommendation and Conclusion

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

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR