



Appeal Decision

Site visit made on 14 January 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/U2235/D/19/3241613

13 Garden Close, Maidstone ME15 8AX

- 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 Conway against the decision of Maidstone Borough Council.
 - The application Ref 19/502802/FULL, dated 11 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is the demolition of existing garage, erection of part single, part two storey front and side extension with integral garage and single storey rear extension with covered terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's Decision Notice, which more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area
 - the living conditions of nearby occupiers, with particular regard to outlook and natural light.

Reasons

Character and appearance

4. The appeal site is located within a residential area containing traditional, garden-fronted and predominantly semi-detached dwellings from the mid-late 20th century, many of which have been extended.
5. The appeal property comprises a 2-storey, semi-detached dwelling with a hipped roof, with front and rear gardens. A detached, single-storey, flat-roofed garage is located to the rear, accessed by a driveway on the northern side of the appeal building.
6. 11 Garden Close, the next door dwelling to the north, is also semi-detached and with a driveway on its southern side, next to the driveway of the appeal building. However, No 11 has a different orientation to Garden Close than the appeal building, which creates a wider and more visually prominent gap

between them at the front, than would otherwise be the case. Furthermore, No 11 has a different roof design, with a side gable end facing towards the side of the appeal building.

7. The proposed development would entail the demolition of the free-standing rear garage; and, the erection of a single-storey rear extension and a 2-storey side extension with a hipped roof, parts of which would extend to the front and rear of the dwelling.
8. The proposed side extension would be constructed over the driveway next to the boundary with No 11. It would project over one metre from the existing front elevation of the building at ground floor level. At first floor level the extension would be set back by some 0.3 metres from the front elevation, with the ridgeline of the side extension some 0.15 metres lower than the main roof ridgeline of the building.
9. There is no dispute between the parties regarding the single-storey rear extension. However, the scale, position and massing of the proposed side extension, with a very limited first floor set-back from the existing front elevation and an even more limited reduction in height from the existing roof ridgeline, means that it would not appear subservient to the main building. In views from Garden Close, the proposed extension would be a highly conspicuous and incongruous addition that would detract from the character and appearance of the area.
10. The appellant has drawn my attention to a number of other developments and planning permissions, including 2-storey side extensions approved nearby. I am not fully familiar with these examples. However, I note that the scale and massing of the approved extension at No 15, which is next door to the appeal site and therefore of most relevance to this appeal, is somewhat more deferential to the host building than the proposal before me. In any event, each proposal should be determined on its individual merits, with appropriate regard to the development plan and material considerations, which is what I have done in this case.
11. For these reasons the proposed development would be harmful to the character and appearance of the area. It would, therefore, conflict with Policies DM1 (Principles of good design) and DM9 (Residential extensions, conversions and redevelopment within the built up area) of the Maidstone Borough Local Plan 2017 (MBLP) and with guidance contained within the Residential Extensions Supplementary Planning Document 2009 (RESPD) and in the National Planning Policy Framework 2019 (the Framework), in this regard.

Living conditions

12. The proposed 2-storey side extension would project more than one metre from the existing front elevation of the building at ground floor level and would be set back some 0.3 metres at first floor level. It would follow the boundary with the next door property at No 11, next to its side driveway.
13. 11 Garden Close contains several windows on its side gable elevation, including to a bedroom, towards the front at first floor level. The appellant states that the proposed side extension would not 'unacceptably reduce light levels' to the gable elevation of No 11 and that the '45 degree rule' referenced in the RESPD would not be impinged.

14. However, the RESPD also states that 'passing the test does not necessarily mean that the proposal would be acceptable¹'. In my view, at certain times of day and at certain times of year, the scale, massing and position of the proposed side extension, located to the south of No 11, means that it would be likely to significantly reduce natural light to the gable elevation of No 11, including the aforementioned bedroom. No compelling evidence has been provided that causes me to reach a different conclusion in this regard.
15. In terms of outlook, I note the different orientation of No 11 towards Garden Close when compared to the appeal building, which provides a somewhat greater outlook from the bedroom than would be the case if the side elevations of Nos 11 and 13 were parallel to each other.
16. I also note the other examples of developments nearby that the appellant has referenced. However, as set out above, each proposal should be determined on its individual merits. I am only concerned with the impacts of the appeal proposal on the occupiers of No 11. In this case, the scale, massing and position of the proposed extension would be overbearing and would reduce the outlook from the first floor bedroom of the next door dwelling.
17. For these reasons, the proposed development would adversely affect the living conditions of nearby occupiers, with particular regard to natural light and outlook. It would, therefore, conflict with Policies DM1 and DM9 of the MBLP and with guidance contained in the RESPD and the Framework, in this regard.

Conclusion

18. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ Paragraph 4.77 of the RESPD