

---

## Appeal Decision

Site visit made on 30 June 2020

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 July 2020**

---

**Appeal Ref: APP/V2255/D/19/3237548**

**35 Hartlip Hill, Sittingbourne, Kent ME9 7NZ**

- 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 & Mrs Daniel Parker against the decision of Swale Borough Council.
  - The application Ref 19/502505/FULL, dated 7 May 2019, was refused by notice dated 1 July 2019.
  - The development proposed is a single storey side extension, two storey rear extension and front dormer extension.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension, two storey rear extension and front dormer extension at 35 Hartlip Hill, Sittingbourne, Kent ME9 7NZ in accordance with the terms of the application, Ref 19/502505/FULL, dated 7 May 2019, 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: "Site Plan" and "Proposed Plans and Elevations".
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the plan "Proposed Plans and Elevations".

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupiers of adjoining dwellings.

### Reasons

3. The appeal relates to a detached, two storey dwelling located on the southern side of the road. It forms part of a ribbon of development along this stretch of the A2 outside of built up settlement boundaries. There is variety in the size, design and siting of neighbouring dwellings.
4. The proposed two storey rear extension would extend across the full width of the house replacing a conservatory. According to the plans, its depth would be 4m to both floors, with two hipped pitched roofs over with a central valley.

5. To the east of the site is 33 Hartlip Hill, a detached two storey house with a single storey side extension up to the boundary with no.35, and a high boundary wall and a pergola with climbing plants beyond this. The rear wall to no.33 is set beyond that of no.35 by about 0.3m; this would reduce the apparent depth of the two storey rear extension to about 3.7m. At first floor level at no.33 there is a rear facing bedroom window that has a small return section on the flank wall facing no.33. There is a separation of about 3m to the common boundary and of about 5m between the dwellings. Given this separation and the southerly orientation, the proposed two storey extension would not appear unduly oppressive or overbearing from the first floor window, notwithstanding its depth and mass. The presence of the boundary wall, pergola and climbing plants would also constrain views towards the extension from ground floor windows at no.33, thereby limiting its impact on living conditions.
6. To the west is 37 Hartlip Hill, a detached bungalow, enlarged by a ground floor rear extension with full height double doors, and a first floor rear dormer. There is a considerable stagger in the siting of the dwellings with no.37 located closer to the road. It is also on higher ground. The proposed single storey side extension would fill the gap between the side elevation to no.35 and the boundary with no.37 and would have a shallow pitched roof. Its height would not be substantially greater than that of the present boundary fence. Having regard to the raised land levels and separation distances, the massing of the side extension would have a negligible impact on living conditions at no.37.
7. The two storey rear extension would be about 2m from the side boundary to no.37 and some 8m from the rear window to its extension. The Council refers to a projection of roughly 13m, but this relates to the main rear elevation which is largely screened by no.37's own extension. The proposed two storey rear extension would be positioned approximately on a 45 degree splay in outlook from the rear extension and dormer windows at no.37. Considering this angle of view, the separation distances and changes in land levels, the two storey extension would not appear oppressive or overbearing.
8. The extensions' size would be greater than generally encouraged by Policy DM11 of "Bearing Fruits 2013", the Swale Borough Local Plan (2017) (SBLP), relating to extensions to rural dwellings, and by the Council's Supplementary Planning Guidance "Designing an Extension". But in view of the site circumstances I have described, there would be no significant conflict with Policies CP4, DM14 and DM16 of the SBLP which collectively seek to ensure that the design and siting of extensions are appropriate to their context in respect to materials, scale, height and massing and in protecting residential amenity.

## **Conclusion**

9. The effect of the proposal on the living conditions of occupiers of adjoining dwellings would be acceptable. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to conditions relating to the life span of the permission, specifying the approved plans and requiring the use of matching materials.

*Rory MacLeod*

INSPECTOR