
Appeal Decision

Site visit made on 8 October 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/M2270/D/19/3238609

20 Lurkins Rise, Goudhurst, CRANBROOK, TN17 1EE

- 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 Phil Sillitoe against the decision of Tunbridge Wells Borough Council.
 - The application Ref: 19/01454/FULL, dated 24 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is the construction of two-storey side and rear extensions with a single storey element.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed extensions on:
 - the character and appearance of the area around Lurkins Rise, and
 - the living conditions of the occupiers of No 22 Lurkins Rise by way of light and outlook.

Reasons

3. No 20 Lurkins Rise is a semi-detached house situated on the southern side of the road, some 100 metres from its junction with the A262. Close to the appeal site, Lurkins Rise turns to the south and Bankfield Way continues to the left. Most of the dwellings on Lurkins Rise, particularly at the entrance to the residential estate, from the A262 to beyond the appeal site, are of a largely similar design and scale, being two-storey and semi-detached with good-sized front gardens, setting them back from the road. Many have single-storey side extensions. Nos 18 – 24 are set a little closer to the road and are, therefore, somewhat more prominent in the street scene.
4. No 20 is linked to No 22 by similar single-storey outbuildings at the front of each house. The proposed development at No 20 would involve the demolition of its existing outbuilding and the construction of a long side extension which would wrap around part of the rear of the house. The extension would be two-storey throughout with the exception of a narrow single-storey element along the boundary with No 22. The first-floor along the side of the house would be set in around 1 metre from the boundary.

Character and appearance

5. The residential estate based around Lurkins Rise comprises predominantly two-storey, semi-detached houses, with a high degree of commonality of design, especially in the older part of the estate around the appeal site. Many houses have single-storey extensions to the side, including the houses in the row containing Nos 18 - 24, but there would appear to be no recent examples of two-storey side extensions in the vicinity of the appeal property.
6. Policy EN1 of the Tunbridge Wells Borough Local Plan (LP), requires, amongst other things, that the nature and intensity of a proposed use should be compatible with neighbouring uses, and that the design of a proposal, encompassing scale and external appearance, should respect the context of the site. The Council's adopted Alterations and Extensions Supplementary Planning Document (SPD) indicates that extensions should be subordinated by using a range of design devices such as set-backs, lower roofs, changes in materials or detailing. The SPD also notes that in traditional detached and semi-detached housing areas, the infilling of the spaces between with two-storey extensions could create a terraced appearance at odds with the rhythm of the street scene when the gaps are important elements, and that a minimum of one metre between the side wall of a side extension and the boundary is normally desirable, so allowing for access for refuse bins and for maintenance.
7. In this case, the proposed extension would not be subordinated, but would continue the existing roofline and building line with no set-backs or lower roofs. Moreover, the side extension would be built up to the boundary at ground-floor level. The appellant contends that a ground floor extension could be built along the boundary with No 22 under permitted development rights (PD) and that may well be the case, but with the scheme as submitted there would also be a first-floor element set around 1 metre away from the boundary, and this would result in the current large gap between the two properties at first-floor level being largely eroded. This would result in potential for the creation of an apparent terracing effect, detrimental to the prevailing character of the area.
8. On this issue, I find that the proposed side extension would not appear subordinated to the host dwelling and would create the potential for what would be an incongruous terracing effect. This, together with the lack of any other recent two-storey side extensions to dwellings in the vicinity, leads me to conclude that the proposal would be harmful to the prevailing character and appearance of the area around Lurkins Rise, and that it would conflict with Policy EN1 of the LP and with guidance in the SPD.

Living conditions

9. The proposed two-storey side extension would run alongside the boundary with No 22, with the ground-floor element on the boundary and the first-floor element only around 1 metre from the boundary. There is apparently a conservatory-type side extension at No 22. The appellant contends that this may contravene certain regulations, but I have no reason to suppose that it is unauthorised, and I have no firm details on this either way. In any case, the conservatory structure is there and, in my opinion, the proposed two-storey side extension at No 20 would appear as a dominant and overbearing feature when viewed from this structure. While the ground-floor element of the extension could possibly be constructed using PD rights, the first-floor could not, and it is this element that would be harmful to living conditions at No 22.

10. Policy EN1 of the LP indicates that development proposals should not cause significant harm to the residential amenities of adjoining occupiers, and the SDP indicates that problems can arise when the physical presence of an extension is so overbearing in terms of its overall mass and is in such proximity to neighbouring property that it results in serious loss of amenity. I consider that the proposal for a two-storey side extension at No 20 as submitted would appear overbearing by virtue of its proximity and that it would cause significant harm to the residential amenities of the occupiers of No 22 by way of outlook. It would, therefore, conflict with Policy EN1 of the LP and with the SDP.

Conclusion

11. I find that the proposal would be harmful to the character and appearance of the area around Lurkins Rise, and that it would cause harm to the living conditions of the occupiers of No 22 Lurkins Rise by way of outlook. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR