



Appeal Decision

Site visit made on 20 October 2020

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28 October 2020

Appeal Ref: APP/U2235/D/20/3249053

31 Cherry Orchard Way, Maidstone ME16 8TJ

- 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 Crampton against the decision of Maidstone Borough Council.
 - The application Ref 19/505684/FULL, dated 13 November 2019, was refused by notice dated 9 January 2020.
 - The development proposed is the erection of a part single, part two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area; and the effect on the living conditions of the occupiers of the neighbouring residential property.

Reasons

3. The appeal property comprises a two storey end of terrace house located on the corner of Cherry Orchard Way and West Walk. The properties in the immediate area have a low eaves to front and rear, with pitched roof gable fronted dormers to the front and smaller flat roof dormers to the rear. The main roofs are half hipped at either end of terraces to give a higher eaves height and a combination of all these features provides a strong uniform character to the area.
4. With regard to design, the appellant considers that the end of terrace location provides an almost unique site to extend in the manner proposed, whilst still respecting the character of the property. A previous proposal was approved by the Council on the same footprint¹ but to a different design and is apparently uneconomic to build because of the amount of steelwork required.
5. In respect of the current scheme, because of the width of the proposed two storey part of the rear extension and its full two storey height, the eaves height would be the same as that of the side elevation and significantly greater than that at the front and rear of the property. Although it would have a pitched

¹ Application ref no 19/501914/FULL

roof which would match the main roof and be slightly lower, it would also have significant bulk because of the width and depth of the extension. Coupled with the smaller single storey additions to either side, the overall massing of the proposed extension would appear bulky in relation to the main property and I do not agree with the appellant that it would remain subservient. On the contrary it would dominate the property and adversely affect its character and that of the remaining part of the terrace. The above concerns carry greater weight in that the rear part of the property is very visible from West Walk.

6. A combination of all these factors would harm the character and appearance of the area, particularly as the uniform character of the locality is largely intact. In that respect, walking around the immediate area I saw no other similarly sized extensions in the manner now proposed, including end of terrace locations.
7. Turning to the impact upon living conditions of the occupiers of the neighbouring property, No 29 Cherry Orchard Way, that property has a rear ground floor window adjoining the common boundary with the appeal property. A narrow mono pitched single storey extension would be set in 0.5 metres from the boundary, but the two storey extension would have a depth and eaves height each of 5 metres and would still be in close proximity to the common boundary. Although no windows are proposed in the southern elevation of the extension, the outlook from No 29 would be that of a large and unrelieved wall at two storey height in close proximity to the boundary and with an eaves height significantly above that of the main eaves of the rear of the terrace. This would be in stark contrast to the relatively open outlook that currently exists because of the absence of rear extensions and the relatively smaller scale nature of the terrace with low eaves heights.
8. The Council is also concerned about potential loss of daylight to the adjoining window of No 29 because the extension would break the '45°' line as set out in the Building Research Establishment's guidance. Whilst not conclusive in its own right and there is no other evidence before me to either support that or otherwise, I consider it likely that there would be a degree of overshadowing of the neighbouring window causing some loss of daylight to the room it serves, which adds to my concerns above. Given the orientation of the property, with No 29 being to the south of No 31, I agree with the appellant that there would be no loss of sunlight to the rear of No 29. Notwithstanding that, there would be harm to the living conditions of the occupiers of No 29 for the reasons given.

Conclusions

9. Pursuant to my findings above on both main issues, the proposed development would be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 in that it would not be a high quality design, would not respond to local character, and the outlook for adjoining residents would not be respected. It would also be contrary to the Council's Supplementary Planning Document on residential extensions 2009, in that the form, proportions and detail of the original building would not be respected and there would not be an acceptable outlook for adjoining properties. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR