



Appeal Decision

Site visit made on 28 July 2020

by L Gilbert BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2020

Appeal Ref: APP/A2280/D/20/3249597
22 Crescent Way, Chatham, Kent ME5 9SY

- 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 Jonathan Zerafa against the decision of Medway Council.
 - The application Ref MC/19/3120, dated 26 November 2019, was refused by notice dated 4 March 2020.
 - The development proposed is described as 'two storey side and rear extension and single storey front extension and loft conversion'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Jonathan Zerafa against Medway Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect on: (i) the character and appearance of the area; (ii) the living conditions at neighbouring properties in respect of outlook, sunlight and daylight.

Reasons

4. The eaves and roof profile of the proposed two storey side element would reflect that of the main house. Whilst the proposed side extension would not appear subservient to the existing house, several properties along Crescent Way have similar extensions. Furthermore, there is variety in house styles along the street such that I do not consider the proposal would appear out of keeping or scale in the street scene. Therefore, I find no conflict with Policy BNE1 of the Medway Local Plan ('the Local Plan') which seeks to ensure new development is appropriate in relation to the character, appearance and functioning of the built environment.
5. The neighbouring property at No 20 sits well forward of the appeal property, and closer to the road. Immediately to the rear of this neighbouring house is a patio area with table and chairs, which suggests that this part of the garden space is more intensively used. The proposed two storey side extension, as well as the single storey element, would extend up to the boundary with No 20. The proposed height, projection and proximity of the extension would create an undue sense of enclosure and harm the outlook at No 20. It would also significantly diminish the enjoyment of the garden, especially the patio area.

6. Because the appeal property lies to the west of No 20, the proposal would cause a loss of daylight and sunlight to the rear garden and rear windows of that property. Again, this harmful effect would be particularly noticeable at the rear patio of this neighbouring property, when the neighbouring occupiers use their garden for relaxation, especially in late afternoon and evenings.
7. I fully appreciate that planning permission has previously been granted at the neighbouring property No 20 for a single storey rear/side extension¹. However, this scheme has not been implemented, and there is no guarantee that it will be. Therefore, I must assess the conditions on site as they currently exist. Although the Council has raised concerns regarding the effect on No 18 Crescent way, I am satisfied that any impact would be limited given its distance from the appeal property.
8. I conclude that the proposal would harm living conditions at No 20 Crescent Way by creating an undue sense of enclosure, especially in respect of the rear patio area, as well as a loss of daylight and sunlight. It would fail to comply with Policy BNE2 of the Local Plan which requires that all developments should protect those amenities enjoyed by nearby and adjacent properties.

Conclusion

9. Although the proposal would not harm that character and appearance of the area, it would harm the living conditions at No 20 Crescent Way. Accordingly, the appeal is dismissed.

L Gilbert

INSPECTOR

¹ MC/18/0131 granted in March 2018