



Appeal Decision

Site visit made on 24 August 2021

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021.

Appeal Ref: APP/U2235/D/21/3271699

10 Meadow View Road, Boughton Monchelsea, ME17 4LH

- 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 Lee Gardham against the decision of Maidstone Borough Council.
 - The application Ref 20/505546/FULL, dated 21 November 2020, was refused by notice dated 1 March 2021.
 - The development proposed is construction of a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a first floor side extension at 10 Meadow View Road, Boughton Monchelsea, ME17 4LH in accordance with the terms of the application, Ref 20/505546/FULL, dated 21 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - CB-001 Existing East and West Elevations
 - CB-002 Existing North and South Elevations
 - CB-003 Existing Ground Floor Layout
 - CB-004 Existing 1st Floor Layout
 - CB-005 Proposed East and West Elevations
 - CB-006 Proposed North and South Elevations
 - CB-007 Proposed Ground Floor Layout
 - CB-008 Proposed 1st Floor Layout
 - CB-009 Block Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. I have adopted the Council's description of development which more accurately describes the development proposed and I note this description was also adopted by the appellant on their appeal form.

Main Issue

3. The effect of the proposed development on the character and appearance of 10 Meadow View Road (the host property) and the street scene.

Reasons

4. The first floor side extension proposed would extend to the property boundary but it would be subordinate to the host property in terms of its width, height and its set back from the principal elevation. The extension would therefore fit unobtrusively with the host property.
5. The host property and non-attached neighbouring house (in common with many other properties on the estate) were built with linked blocks at ground floor level so it is the gaps at the first floor level which are more characteristic of the pattern of gaps between buildings along the street and much of the surrounding area.
6. The side extension would significantly narrow the gap at first floor level between the host property and the next door property No.8, however, the Council estimates a gap of some 2.9metres would remain. Furthermore, as the appellant's evidence demonstrates, a number of properties in the surrounding estate have had two storey extensions, including some that appear to extend close to the property boundary.
7. The Council's adopted Residential Extensions Supplementary Planning Guidance¹ (adopted SPD) makes it clear that the pattern of gaps between the properties in a street scene should be maintained and that "there should normally be a minimum gap of 3 metres between side wall of the two-storey side extension and the adjoining property for the full height of the extension."
8. In the context of the original linked block design of the host property and retention of a 2.9 metre gap between non-attached properties at first floor level, I consider that an adequate gap between the properties at first floor level would remain and therefore the proposed extension would meet the requirements set out in the adopted SPD.
9. Accordingly for the reasons set out above I find that the proposed development would not harm the character or appearance of the host property or the street scene. As a result, the proposed development would not conflict with Policy DM9 of the Maidstone Borough Local Plan 2017 or the adopted SPD which amongst other things seek to ensure extensions fit unobtrusively with the existing building and the character of the street scene.
10. In reaching this conclusion on the main issue, I have had regard to the argument that Figures 4.1 & 4.2 of the SPD suggest that only providing a 1.5 metre gap either side of a common boundary would meet the requirements of the guidance. In my view these drawings are designed to illustrate how the key guidance (set out in highlighted text) might be applied in relation to two possible scenarios. The wording of the guidance, however, makes no reference to the location of the property boundary between properties or indeed covers the scenario in this case of linked block development. Clearly such guidance

¹ Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document – adopted May 2009.

must be taken into account having regard to the particular circumstances of each case.

11. I have also taken into account the genuine concern that should this appeal be allowed, an application for a similar extension of No.8 might not be permitted on the grounds that it would create a terracing effect between the host building and No.8. While I recognise that such a scenario might not appear fair, I must determine the appeal on the basis of the information before me. I have no substantive information about the prospect, timing and nature of any proposal to extend No.8 and therefore I cannot attach any significant weight to this consideration.
12. Similarly, I do not consider that the refusal by the Council in around 2004 of an extension to No.6 Meadow View Road carries significant weight, as no substantive information has been submitted about this "front extension" or the development plan policy framework applicable at that time. I must in any event also assess each case on its merits first against the prevailing policy background.

Other matters

13. I note the concern raised by the neighbour that both the existing building and proposed extension are located on their land. However, the grant of planning permission does not convey any rights of encroachment over the boundary with an adjacent property and there is no evidence that any problem could not properly be dealt with under legislation dealing with private legal rights regarding land ownership.
14. In terms of the impact of the proposal on living conditions of the occupiers of the neighbouring property at No.8, I agree with the Council's assessment that the proposed extension would not result in a loss of light or overshadowing for that property and in this regard I note that when the Council decided to refuse permission, contrary to the officer's recommendation, it did not identify the impact of the proposal on the living conditions of the occupiers of adjoining properties as a ground for refusal.

Conditions

15. In addition to the standard time limit condition, I have imposed conditions to provide certainty about what has been approved and to ensure the materials used safeguard the visual amenities of the area. I note that the Council officer's report recommended a planning condition be imposed in relation to the enhancement of biodiversity on the site, however, the report did not set out why such a condition might be appropriate in this case and therefore I do not consider the condition fully meets the tests for conditions set out in national policy.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, I conclude the appeal should be allowed.

Anthony Thompson

INSPECTOR