



Appeal Decision

Site visit made on 7 October 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/K2230/D/21/3276992
63 Milton Hall Road, Gravesend DA12 1QN

- 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 Rea against the decision of Gravesend Borough Council.
 - The application Ref: 20210139 dated 8 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is basement conversion with single storey rear addition.
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Decision

1. The appeal is allowed and planning permission is granted for basement conversion with single storey rear addition at 63 Milton Hall Road, Gravesend DA12 1QN in accordance with the terms of the application, Ref: 20210139 dated 8 February 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: JMD-1124-E-010-P1, JMD-1124-E-100-P1, JMD-1124-E-110-P1, JMD-1124-E-120-P1, JMD-1124-E-200-P1, JMD-1124-E-210-P1.
 - 4) The extensions hereby permitted shall not be occupied until privacy screens to the side ends of the proposed ground floor rear platform have been installed, in strict accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be retained and maintained as installed.

Preliminary Matters

2. Since the application was determined, the National Planning Policy Framework (Framework) has been revised in July 2021. However, I do not consider that the changes directly affect the appeal proposal before me, but all references are to the July 2021 version.

Main Issues

3. The main issues in this appeal are:

- a) The effect of the proposal on the character and appearance of the existing property and local area, and
- b) The effect of the proposal on the living conditions of adjoining neighbours, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and Appearance

4. The appeal property is a semi-detached property on the north-west side of the road. The land slopes down from east to west so that the house is set at a lower level than the road and the garden to the rear continues to fall away from the house. There is a public right of way along the rear boundary of the appeal property and neighbouring properties. The land also slopes down from south west to north east along this part of Milton Hall Road.
5. The sloping topography of the land would be used to open up a basement level under the proposed ground floor rear extension. There would be an open platform beyond the ground floor extension and over the basement extension, leading down via steps to the garden levels.
6. The proposed ground floor addition would extend out from the rear wall of the house by some 3.5m which would be similar in depth to a number of extensions already undertaken to surrounding properties, and as can be seen from the garden of the appeal property. The Appellant has also submitted details of a permission granted by the Council under Ref: 20201095 in December 2020 for a full width ground floor rear extension of some 3.5m for No 61 Milton Hall Road, the other 'half' of the semi-detached pair.
7. The basement level would extend out a further 1.875m with the platform level over, but the majority of the massing of the basement level would not be seen because of the slope of the land.
8. I consider that the proposed dimensions of the extensions would not be overly large or out of proportion with the scale and massing of the existing house and the depth of the ground floor extensions undertaken in the surrounding area. The proposed extensions would step down from the house, taking advantage of the topography of the land.
9. The public right of way would not be affected by the proposed development and given the change in levels and boundary treatments in place, the lower parts of the dwelling are not readily seen from the right of way.
10. I am satisfied that the proposed extensions would respect the character and appearance of the existing property and also of the local area. There would be no conflict with Policy CS19 of the Gravesham Local Plan Core Strategy (Core Strategy) and the Framework and in particular Section 12, both of which seek a high quality design which respects the local context. The Appellant has questioned the relevance of Policy CS19 of the Core Strategy to domestic house extensions, as opposed to new residential developments, but it is my understanding that the policy is directed to all new development.

Issue b) Living Conditions

11. The proposed platform would be the full width of the proposed extension. Given the topography of the land there is already some overlooking between the rear gardens of properties, particularly between the appeal property and the neighbouring property at No 65 Milton Hall Road. The opportunity for overlooking between the appeal property and the neighbours at No 61 Milton Hall Road is currently protected by a boundary fence of around 1.8m in height along the common boundary.
12. The platform would project further into the rear garden and would be slightly higher than the existing rear terrace and so would exacerbate the existing situation of some overlooking with No 65 and potentially could introduce some overlooking with No 61 with resultant harm to the neighbours' living conditions.
13. However, I am satisfied that the opportunity for increased overlooking compared with the existing situation could be resolved through the imposition of a condition requiring the installation of privacy screens to the side ends of the platforms, in accordance with details to be first submitted and approved by the Council.
14. Subject to the imposition of a condition as described above to protect the amenities of the neighbours on either side, I am satisfied that the proposed development would not materially harm the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy. There would be no conflict with Policy CS19 of the Gravesham Local Plan Core Strategy (Core Strategy) and the Framework and in particular paragraph 130 f) which seek a high standard of amenity for existing and future occupiers.

Conditions

15. In terms of conditions, I agree with the Council that the materials should match those used on the existing building in order to protect the character and appearance of the existing building and the local area. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
16. As indicated above I agree that a condition should be imposed to require details of privacy screens to the side ends of the platform leading out from the ground floor extension, to safeguard the living conditions of the neighbours. At the appeal stage, a similar condition was also proposed by the Council relating to the boundary fencing, but I consider that the requirement for privacy screens to the sides of the rear platform would be proportionate and effective to address the harm I have identified.
17. The Council has also proposed that a condition should be imposed to prevent the introduction of further windows in the proposed extensions to protect the neighbours' living conditions. However, as the extensions are at ground and basement levels only, I do not consider that there would be a planning justification for such a condition, with regard to protecting the living conditions of neighbours.

Conclusion

18. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR