



Appeal Decision

Site visit made on 9 November 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2021

Appeal Ref: APP/E2205/D/21/3278898

18 Tritton Fields, Kennington TN24 9HG

- 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 Mrs Gemma Heath against the decision of Ashford Borough Council.
 - The application Ref 21/00776/AS, dated 21 April 2021, was refused by notice dated 14 June 2021.
 - The development proposed is Single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension at 18 Tritton Fields, Kennington TN24 9HG in accordance with the terms of the planning application Ref: 21/00776/AS dated 21 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings: Site Location Plan and Proposed Floor Plan and Elevations, received on 30 April 2021.
 - 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. The planning application form was made in the name of Mr & Mrs Heath. However, the appeal form is made in the name of Mrs Gemma Heath only, which is reflected in the banner heading above.
3. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the appellant the opportunity to comment upon the implications of this for their respective cases.

Main Issue

4. The main issue is whether the proposed development would ensure satisfactory living conditions for the occupiers of No 20 Tritton Fields with particular reference to outlook and daylight.

Reasons

5. The appeal site comprises one of a pair of semi-detached bungalows incorporating similar cross gable pitched roof forms to the front and rear. This proposal would continue the pitched gable roof as well as incorporate an almost flat mono-pitch roof extension and lantern alongside No 20. Having regard to an existing infill extension at the neighbouring No 20, the development would have an effective depth of approximately 3.9m, at a height of between approximately 2.8m – 2.9m.
6. The extension would be adjacent to a patio area and patio doors on the rear elevation of No 20. The rear garden of No 20 appeared wider and deeper than many nearby at my visit. The combination of its width, depth, shape, and the significant distance to the nearest neighbouring properties which include some bungalows, means the rear patio and windows including those closest to the appeal site, benefit from a wide, open, and extensive outlook.
7. While the extension would introduce an increased bulk close to the boundary above an existing close boarded fence, the increased height would be comparatively limited. At its closest point the extension would be set a short distance behind the boundary fence, providing some relief. The design and position of the mono-pitch roof would also provide a good degree of relief to the higher lantern and pitched roof form.
8. The development would be discernible in close proximity to the patio and rear patio doors of No 20, resulting in some enclosure and effect upon the outlook. However, I am satisfied that given the extensive outlook from which No 20 benefits and the effective height and depth of the development, it would ensure a largely open and satisfactory outlook from the patio and patio doors. Therefore, it would not result in a harmful effect upon outlook for the occupiers of No 20.
9. The gardens of No 18 and 20 face approximately south. The extensive width, depth and outlook mean the rear windows and patio of No 20 benefit from a very good degree of daylight and sunlight, with proportionately little overshadowing.
10. This proposed extension would result in some overshadowing to the patio doors and nearest part of the patio, with some reduction in sunlight and daylight to these areas. However, even during the darker months of the year, this would occur for only a relatively small part of the day. Given the southern aspect, the height and depth of the extension, and the open outlook from the patio doors and the patio, the respective room and part of the garden would still benefit from good levels of sunlight and daylight. This would be such that it would ensure a satisfactory level of daylight is maintained to the nearest windows and patio area of No 20.
11. For the reasons set out above the development would not be harmful to and would ensure satisfactory living conditions, for the occupiers of No 20 with particular reference to outlook and daylight. It would not conflict with Policy HOU8 of the Ashford Local Plan (2019) which seeks to ensure development does not materially harm the living conditions of neighbouring residents. It would not conflict with paragraph 130f) of the Framework which seeks to promote health and well-being, with a high standard of amenity for existing and future users.

12. The development might breach the 25 and 45 degree codes set out in the Supplementary Planning Guidance Note 10 (2004) (SPG10). However, for the reasons already set out, this development would not cause significant loss of daylight or sunlight to habitable rooms and would not represent an over-dominating development. Therefore, it would not conflict with the aims of section 6 of SPG10.

Other Matters

13. The Council does not object to the effect of the proposed development upon the character and appearance of the host dwelling and area. Based upon the evidence before me I see no reason to disagree.

Conditions

14. As well as the standard condition for the commencement of the development, a condition requiring the development is carried out in accordance with the approved plans is necessary, to ensure certainty. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

15. I find the development is compliant with the development plan and the Framework. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR