The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/J2210/D/21/3288422
25 Mary's Grove, Seasalter, Whitstable CT5 4AB

- 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 Stephen Munday against the decision of Canterbury City Council.
- The application Ref CA/21/01993, dated 9 August 2021, was refused by notice dated 11 November 2021.
- The development proposed is dormers to front and rear elevations together with alterations to the roof, 3 No. rooflights and use of garage as additional accommodation.

Decision

1. The appeal is allowed and planning permission is granted for dormers to front and rear elevations together with alterations to the roof, 3 No. rooflights and use of garage as additional accommodation at 25 Mary's Grove, Seasalter, Whitstable CT5 4AB in accordance with the terms of the application, Ref CA/21/01993, dated 9 August 2021 and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following plans: P01A (Location Plan, Proposed Block Plan, Existing and Proposed Elevations and Plans) and P02 (Materials Sheet).

Application for costs

2. An application for costs was made by Mr Stephen Munday against Canterbury City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers with particular regards to overlooking.

Reasons

4. The appeal property is a modestly proportioned bungalow located on the north side of St Mary's Grove. The property backs onto 25c Preston Parade, the occupiers of which have objected to the proposal on the basis that it would result in an unacceptable level of overlooking.

5. Policies DBE3 and DBE6 of the Canterbury District Local Plan 2017 (LP) require new development to have sufficient regard for the living conditions of neighbouring occupiers. Extensions will be permitted provided they do not result in an unacceptable loss of privacy or create unacceptable overlooking or overshadowing of neighbouring properties.

6. The Council's Decision Notice alleges that the proposal would result in an unacceptable loss of privacy. The minutes from the Planning Committee meeting refer to "*the nature of the fenestration and distance from the neighbour 25C Preston Parade to the north*". Whilst I accept there would be some change in the outlook to the rear of No 25c as a result of the development, one has to accept this is a built-up residential area where a degree of mutual overlooking is inevitable.

7. As the Officer's Report explains "*Views towards the properties to the rear would be at long range, with a separation distance of approximately 30m*." On that basis alone, it is difficult to understand how Members concluded there would be an unacceptable impact when 21m is the generally accepted distance between opposing rear elevations. To compound matters, the Council recently accepted distances less than 30m in respect of a proposal for four dwellings on the adjacent plot[1].

8. In this case, the ample amount of physical separation, mature landscaping along the shared boundary, most of which appears to be under the control of No 25c, and the difference in levels, would satisfactorily mitigate the impact of the development on the occupiers of No 25c. In light of the foregoing, I conclude that there would be no unacceptable loss of privacy to neighbouring occupiers and no conflict with LP Policies DBE3 and DBE6.

Conclusion

9. In the interests of planning and to provide certainty, I have imposed time limit and plans conditions. In light of my conclusions above and given that it is inconceivable that obscure glazing would not be installed to the upper floor bathroom, I do not consider the glazing condition meets the test of necessity.

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

[1] LPA Ref: CA/21/00943