



Appeal Decision

Site visit made on 13 April 2022

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 22ND April 2022

Appeal Ref: APP/Z2260/D/22/3292963

69 Victoria Avenue, Broadstairs CT10 3JB

- 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 Ms S Bones against the decision of Thanet District Council.
 - The application Ref FH/TH/21/1463, dated 15 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is retention of single storey rear extension following demolition of conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for retention of single storey rear extension following demolition of conservatory in accordance with the terms of the application, Ref FH/TH/21/1463, dated 15 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 2020-01E; 2020-03B and 2020-04A.

Procedural Matter

2. For clarification purposes I have adjusted the description of development from that which appears on the application form, given that the development is already complete.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 67 Victoria Avenue.

Reasons

4. The appeal property, No 69 Victoria Avenue comprises a two storey terraced house located on the northern side of the road, and opposite its junction with Whitfield Avenue. At the rear all the properties appear to have original two storey rear projections, shared between adjoining properties but inset from the rear common boundaries. Within the 'well' areas between the projections, a number of properties have infilled the space with glazed conservatories. This was the case at No 69 and its neighbour No 67, but a photograph supplied by the appellant dating from 1988, shows that the conservatory to No 69 extended slightly beyond that of No 67 and in line with a small extension at the rear of the two storey projection. The development, which had been completed at the time of my site visit, has replaced the conservatory and the small rear extension with a single storey extension of increased depth which the Council

advises extends 5.2 metres along the common boundary with No 67 although inset slightly, and at a maximum height of 3.2 metres.

5. Permitted Development rights allow for the construction of extensions to the rear of terraced properties of up to 3 metres in depth subject to various criteria. Any extension beyond that depth would be subject to a Prior Notification procedure, which was not appropriate in this case given that works had already commenced. Although it is not clear from the evidence before me, including the officer report, I am assuming that because the depth of the extension exceeds 3 metres when measured from the original rear main wall, planning permission is required. However even the permitted development extent would have some impact on the adjoining neighbour in this situation and I have had regard to that in assessing the completed works in that it would represent a reasonable fallback position. I also took the opportunity at the site visit to assess the development from within the rear garden of No 67 and can therefore fully appreciate the impact upon that property.
6. Both properties face almost directly north and therefore I do not consider there has been any significant loss of sunlight arising to the rear of No 67. There would also have been some form of solid adjoining common wall, between the two conservatories and therefore light to the conservatory of No 67 would have been primarily served from the roof area. This will continue to be the case. Whilst I can appreciate that the increased depth and height of a solid extension will have had some increased impact, that would be the case with any form of building works in such close proximity and I do not consider that the impact that now exists is of such a degree which would justify the withholding of planning permission. I also consider the same to be true in terms of any overbearing impact given that the extension is single storey only and that a previous structure existed, albeit not as large. I noted that there is a side window in a small extension at the rear of No 67 but that serves a kitchen only and I also noted that there is an additional larger window to that room which faces the rear garden. Again therefore I consider the impact reasonable.
7. Having regard to the above, I do not consider there has been a significant adverse effect upon the living conditions of the occupiers of No 67, particularly in the light of what could be constructed under permitted development and having regard to the structure that previously existed. The development therefore accords with Policy QD03 of the Thanet District Council Local Plan 2020 in that it has not led to unacceptable living conditions with the neighbouring property.
8. The Council raises no objections from a design point of view given that there are similar extensions elsewhere, and therefore there does not appear to be any conflict with Policy SP35 of the Local Plan notwithstanding the reference to that in the Council's decision notice.
9. A condition for the development to be retained in accordance with the approved plans is necessary in the interests of certainty.
10. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR