



Appeal Decision

Site visit made on 17 May 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/J2210/D/22/3293944

2 Rosemary Gardens, Whitstable CT5 3PU

- 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 and Mrs Lisa and Andy Church against the decision of Canterbury City Council.
 - The application Ref CA/21/01504, dated 7 June 2021, was refused by notice dated 10 December 2021.
 - The proposed development is a ground floor extension to existing garage, and new first-floor side extension over existing and proposed garage spaces.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor extension to existing garage, and new first-floor side extension over existing and proposed garage spaces at 2 Rosemary Gardens, Whitstable CT5 3PU in accordance with the terms of the application, Ref CA/21/01504, dated 7 June 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 development hereby permitted shall be carried out in accordance with the following approved plans: 4180A100, 4180A103/A, 4180A104/A, 4180A105/A, 4180A106/A, 4180A108

3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.

Main Issues

2. The main issues are the effect of the development on a) the character of the dwelling and the surrounding area; and b) the living conditions of the occupants of 3 Rosemary Gardens in respect of light and overbearing impact.

Reasons

Character and appearance

3. The appeal site relates to a detached bungalow sited on the northern side of Rosemary Gardens with a driveway and off-street parking to the front. The surrounding area is predominantly residential in nature with no prevailing architectural style; the neighbourhood is characterised by dwellings of various size, design and detailing. There are also differences in the widths of gaps between houses and there is no set building line on either side of the road.

4. The proposal is for an additional storey over part of the bungalow, with the resultant scheme creating relatively modest gable features facing front and rear. In my view, the extent of development would be sympathetic to the scale of the existing bungalow and those properties in the surrounds. The proposal would visually connect with the overall appearance of the dwelling, without dominating it or resulting in an imbalance, and respond to the original design features. The considerable variety in the appearance of houses in the area ensures that the addition would assimilate without causing undue harm to the spatial quality of the locale.
5. I conclude that the scheme would not result in harm to the character and appearance of the dwelling and the surrounding area. It would meet Policy DBE3 of the Canterbury District Local Plan July 2017 (LP), which seeks to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

6. In order to consider the effect of the proposed development on shading at 3 Rosemary Gardens, a Daylight and Sunlight Assessment (DSA) conducted by The Daylight Lab was provided with the appeal. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', which I accept is an established document to consider the impact of new development on daylight and sunlight.
7. The DSA demonstrates that loss of sunlight testing and a shadow study have been carried out to the front windows of 3 Rosemary Gardens. The results show that the appeal scheme will have close to no perceivable loss of daylight or sunlight on the openings of the adjacent dwelling.
8. The new first floor would increase the size and scale of development facing 3 Rosemary Gardens, thereby adding built form in close proximity to the common boundary. Although it would be visible from the front windows of the adjacent property, having regard to the existing and proposed internal views provided on the plans and in the grounds of appeal, I consider that the scheme would not dominate the outlook from these openings or result in an overbearing impact that would be materially worse than the existing state of affairs. Taken in the round, whilst I acknowledge that there may be some impact as a result, I consider that this would not be sufficiently harmful as to warrant dismissal of the appeal on this ground.
9. The proposal would not result in harm to the living conditions of the occupants of 3 Rosemary Gardens in respect of light and overbearing impact. It would accord with Policy DBE6 of the LP, which seeks to ensure that development does not prejudice the environment or amenity of the occupiers of adjacent properties. It would also be consistent with the advice in the Framework, which seeks to secure safe and healthy living conditions.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for

the avoidance of doubt and in the interests of proper planning. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance,

Conclusion

11. Based on the preceding, the appeal is allowed.

C Hall

INSPECTOR