



Appeal Decision

Site visit made on 21 June 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/D/22/3290352

118 High Street, Eastchurch ME12 4DF

- 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 Dennis Kavanagh against the decision of Swale Borough Council.
 - The application Ref 21/505397/FULL, dated 4 October 2021, was refused by notice dated 7 December 2021.
 - The proposed development is the erection of single storey rear extension and a first floor extension over existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character of the area.

Reasons

3. The appeal site relates to a semi-detached, two-storey dwelling positioned on the High Street with a driveway and off-street parking to the front. It forms one of a group of semi-detached properties along this side of the highway, which for the most part retain their original proportions and spacing between built form, particularly at first floor level, thus creating a pleasing sense of uniformity and spaciousness.
 4. I note the guidance concerning side extensions in the Swale Borough Council Supplementary Planning Document 'Designing an Extension – A Guide for Householders' (SPD). This states that, as a general rule, houses should not be physically or visually linked, especially at first floor level as the space between buildings is important in preserving character and sense of openness. A gap of 2m between a first floor extension and the side boundary is normally required.
 5. The proposed two-storey side element would be positioned approximately 0.6m from the side boundary with 120 High Street. Although there appears to be some flexibility within the terms of the SPD, the proposed distance from the border would be significantly less than that advocated in the SPD.
 6. As a result the scheme would substantially reduce the gap between the appeal dwelling and no.120 at first floor level. This would decrease the visual permeability between built form and disrupt the uniformity that currently exists between dwellings along this part of the High Street, and be detrimental to the sense of spaciousness.
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7. At my site visit I saw a first floor extension at 108 High Street; I have not been provided with the circumstances surrounding this scheme. In any event, the development is at the end of the row of semi-detached units where it lies adjacent to a more contemporary dwelling of a different scale and appearance. I consider that this element does not therefore justify a first floor addition elsewhere that would be a significant breach of the advice contained in the SPD. Moreover, additions to other houses would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
8. I recognise that the houses elsewhere on the High Street area tightly grouped, however these have a different character to the semi-detached units in the row of which the appeal site forms a part. The appellant also argues that the development should be treated on a first-come, first-served basis, and thus would maintain the space between the appeal dwelling and no.120. However, the SPD advises that a gap of 2 metres between a first floor extension and the *side boundary* (my emphasis) is normally required; the appeal scheme would fall far short of this requirement. Moreover, I am aware of the need for fairness in the planning system and to adopt a first-come, first-served approach could lead to abuse of the process or prejudice future applications.
9. Consequently, I conclude that the scheme would result in harm to the character and appearance of the surrounding area. It would contravene Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 and the provisions of the SPD, which seek to secure new development of acceptable scale and appearance.

Conclusion

10. Based on the foregoing and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR