



Appeal Decision

Site visit made on 11 July 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2022

Appeal Ref: APP/G2245/D/21/3288623

31 Manse Way, Swanley BR8 8DD

- 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 Tania Valverde against the decision of Sevenoaks District Council.
 - The application Ref 21/02773/HOUSE, dated 18 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the living conditions of neighbouring residential occupiers with reference to outlook and loss of light

Reasons

3. 31 Manse Way (No.31) is a two storey semi detached house located on a steeply sloping part of the street and is up hill from its semi-detached pair at 29 Manse Way (No.29).
4. The proposal is for a single storey rear extension with a flat roof and rooflight. This would occupy the space between the boundary of No.31 with No.29 and an existing single storey rear outshoot from No.31. The existing ground floor rear doors of No.31 and ground floor kitchen window and rear door of No.29 are located close to the boundary between these two properties. The flank wall of the proposed extension would closely align with the boundary between the two properties and would, therefore, be very close to the kitchen window and rear door of No.29.
5. The proposed extension would be constructed at the garden level of No.31, which, given the stepped relationship between the semidetached pair resulting from the slope in the street, has a higher ground level than that of No.29. This would result in the proposed extension appearing significantly taller when viewed from the rear ground floor and garden at No.29, and considerably taller than the existing boundary wall and fence.
6. The solar studies provided by the appellant indicate that there would be only a very partial loss of direct sunlight to the rear ground floor kitchen of No.29 in

the latter part of the day around 9:00pm in the mid-summer. These studies also show that the height of the proposed extension would result in it being within a 45 Degree arc from the middle of the door and window opening at the rear of No.29. Given the depth of the proposal, this indicates that there would be some slight loss of indirect daylight to this room throughout the year.

7. I find that, given its height, when considered from the lower ground level of No.29 and the proximity and depth of the proposed extension, the proposal would be an enclosing and overbearing presence in the outlook from No.29 and would be experienced as intrusive by the residential occupiers when viewed from the ground floor rear of this property, this would also be marginally accentuated by the slight loss of indirect daylight indicated.
8. The appellant is of the view that the kitchen should not be considered as a habitable room, however, the appellant provides no detail as to why that should be the case and I find that the kitchen does represent an important part of the habitable space of the relatively small living area of No.29 and plays an important part in the connection between the house and its garden and the amenity provided.
9. I have taken into consideration the approved¹ extension at 27 Manse Way (No.27) that has been drawn to my attention by the appellant as a precedent for the appeal proposal. However, I find that the circumstances are different, in that the extension at No. 27 involves a shallower and full width extension, which adjoins with a rear extension to its semidetached pair. As the information provided to me, and my on-site observations, indicate that the extension at No.27 does not correlate with the circumstances to be found in the relationship between No.31 and No.29 and the proposal, I have given this only little weight in my considerations.
10. I conclude, therefore, that the proposal would cause significant harm to the living conditions of the neighbouring residential occupiers at No.29, which would be in conflict with policy EN2 of the Sevenoaks Allocations and Development Management Plan (2015) and paragraph 130 of the National Planning Policy Framework (2021) which collectively seek to ensure that developments safeguard amenity for neighbouring occupiers.

Conclusion

11. The appeal is dismissed.

Victor Callister

INSPECTOR

¹ Planning Ref: 10/00909/FUL