



Appeal Decision

Site visit made on 26 July 2022 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2022

Appeal Ref: APP/G2245/D/21/3285229

17 St Lukes Close, Swanley BR8 7XT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Gregory De Silva against the decision of Sevenoaks District Council.
 - The application Ref 21/02407/PAE, dated 10 July 2021, was refused by notice dated 31 August 2021.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO (as amended), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Paragraph A.4(7) to Part 1 requires the local authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. As an objection was received by the Council, they assessed the impact of the proposal on all adjoining neighbours. The Council's concerns relate solely to the impact on the amenity of No 18, therefore my recommendation will focus on this issue.

Main Issue

5. I consider that the main issue in this appeal is the impact of the proposed development on the amenity of an adjoining premises.

Reasons for the Recommendation

6. The appeal site is a two-storey, end-of-terrace dwelling located on the south-western side of St Lukes Close. The wider terrace is formed from six properties that have a staggered relationship; the rear elevations of the appeal dwelling and its attached neighbour to the north-west, No 18, are set back from the

central terraced dwellings by approximately 3.5 metres. The appeal property and No 18 have long and narrow rear gardens that share a tall, fenced boundary. No 18 has a rear window close to this shared boundary.

7. The proposal is for a single-storey rear extension that would cover the full width of the dwelling and have a depth of approximately 6 metres. It would incorporate a flat roof with an eaves height of approximately 3 metres.
8. The proposal's substantial depth, in conjunction with the terrace's staggered rear elevation and narrow garden widths, would lead to an unacceptable sense of enclosure of the rear of No 18. The terrace's orientation and the position of the proposal to the immediate south of the window at No 18 would result in a harmful reduction of its available light and would block direct sunlight. The proposal would project a considerable distance above the shared boundary and, while the flat roof would limit the proposal's overall height, this would not sufficiently mitigate the harmful reduction of light available to No 18 nor the undue overshadowing of its rear garden that would arise from its overall large size.
9. As such, the proposal would unacceptably enclose the rear of No 18. It would result in a harmful reduction of available light and undue overshadowing of the rear garden to the detriment of the amenity of the adjoining premises.

Other Matters

10. The appellant has stated the proposal would respect the character and appearance of the host dwelling. However, this matter is not a consideration listed within the GPDO to be taken into account for determining this type of prior approval scheme and so it does not form part of my consideration of this appeal.
11. The appellant has referred to the National Planning Policy Framework (the Framework), specifically that planning decisions should promote an effective use of land in meeting the need for homes. However, prior approval applications of this nature are only considered on the basis of the amenity of any adjoining premises. Therefore, other policies within the Framework are not a relevant consideration.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed and prior approval should be refused.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR