



Appeal Decision

Site visit made on 13 September 2022

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/U2235/D/22/3291518

26 Hanmer Way, Staplehurst, Kent, TN12 0PA.

- 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 Michael Moore against the decision of Maidstone Borough Council
 - The application Ref 21/505389/FULL, dated 23 September 2021, was refused by notice dated 3 December 2021.
 - The development proposed is the erection of single storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the description on the application is not clear I have, in the bullet point above, adopted the wording employed by the Council in its decision notice dated 3 December 2021.

Main Issue

3. I consider the main issue to be the effect of the proposed development on the living conditions of adjoining residential neighbours, in terms of its potential to be an overbearing and dominant form of development.

Reasons

4. The appeal property, 26 Hanmer Way is a semi-detached two-storey dwelling with a single storey rear addition. The rear garden is relatively shallow, having a depth of just 9.0 metres or so from the rear wall of the original house to the rear boundary fence to the neighbouring property in Iden Crescent.
5. The other half of the semi-detached pair, number 28 Hanmer Way, has a 3.0 metre deep extension. The boundary to the appeal property is a 1.8 metre high close boarded fence.
6. The appellant proposes the demolition of the existing single-storey rear extension and its replacement with new, flat roofed rear addition approximately 5.65 metres wide and some 8.0 metres deep. The extension would be built close to the common boundary to number 28 and project about 5.0 metres more than the existing extension into the rear garden, towards the neighbouring dwelling in Iden Crescent. Accordingly, the large expanse of roof proposed would be clearly visible from number 28.

7. Further, although only marginally higher than the existing fence, because of its length in relation to the shallow gardens of the properties the flank wall would appear very prominent when viewed from the neighbouring garden. On balance I therefore consider that despite its limited height and flat roof form it would have a harmful overbearing impact on the occupiers of number 28.
8. The Council are concerned that the proposed extension would result in a loss of daylight to number 28. From the 45 degree test submitted I do not consider that there would be a significant loss of daylight to the habitable rooms of number 28. However, there would be, although small some impact on sunlight to a small part of the garden of number 28. However, I do not consider this to be so significant as to provide harm to residential living conditions.
9. I conclude in respect of the main issue that the proposed development would not cause harm to the residential living conditions of the occupiers of number 28 in terms of loss of daylight or sunlight. However, by reason of its overall length, height and relationship to the boundary it would have an overbearing and dominant impact on the living conditions of the neighbouring occupiers.
10. To allow it would therefore be contrary to the aims of Policies DM1 and DM9 of the Maidstone Borough Local Plan (Adopted 25 October 2017) and the guidance set out in the Maidstone Local Development Framework – Residential Extensions Supplementary Planning Document (Adopted May 2009) as they seek to protect residential living conditions.

Other Matters

11. The appellant has referred me to other extensions in the surrounding area. Whatever the background to those cases, the existence of other similar additions on nearby sites is not an appropriate justification for permitting the proposed development here, which I have considered on its individual design and planning merits given its proximity to neighbouring properties.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR