



Appeal Decision

Site visit made on 4 October 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/Z2260/D/22/3297925

59 Cross Road, Birchington CT7 9HW

- 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 A Hartwell against the decision of Thanet District Council.
 - The application Ref FH/TH/22/0073, dated 18 January 2022, was refused by notice dated 11 March 2022.
 - The proposed development is for a domestic extension with addition of first floor partially in roof space.
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Decision

1. The appeal is dismissed.

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 37 Eppe Road in respect of light and overbearing impact.

Reasons

Character and appearance

3. The appeal site relates to a detached bungalow sited on the junction between Cross Road and Eppe Road with a driveway and off-street parking to the side on Cross Road. The surrounding area is predominantly residential in nature with no prevailing architectural style; the neighbourhood is characterised by buildings of various size, design and detailing.
 4. The proposal is for an additional storey over much of the existing bungalow. In my view, the extent of development would be sympathetic to the scale of the existing dwelling and those properties in the surrounds. The proposal would visually connect with the overall appearance of the building, without dominating it or resulting in an imbalance, and include various features to provide articulation and interest. 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 there would be no harm to the character and appearance of the dwelling and the surrounding area. It would meet Policy QD02 of the Thanet District Local Plan July 2020 (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.
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Living conditions

6. Although the appeal dwelling and the neighbouring property at 37 Eppele Road are detached properties, they are situated in close proximity to each other. Moreover, the appeal building projects significantly beyond the rear elevation of no.37.
7. The proposed first floor extension would substantially increase the size and scale of development facing no.37, thereby adding material bulk to the built form in close proximity to the boundary. In doing so, this would create a considerable extent of built form which would dominate the outlook from the rear ground floor openings and patio area of no.37 in a manner which would be overbearing and oppressive, and materially worse than the existing situation. Whilst I note that a section of the first floor would be set back from the boundary, this would be counterbalanced due to the considerable projection of development beyond the rear wall of no.37.
8. In order to consider the effect of the proposed development on shading at 37 Eppele Road, various before and after sunlight diagrams have been provided. These demonstrate that the appeal scheme will have close to no perceivable loss of daylight or sunlight to the rear openings, patio area and garden of the adjacent dwelling. I am satisfied that there would be no adverse effect in this regard.
9. Although the proposal would not result in harm to the living conditions of the occupants of 37 Eppele Road in respect of light, the scheme would result in an overbearing impact. It would fail to accord with Policy QD03 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 inconsistent with the advice in the Framework, which aims to secure safe and healthy living conditions.

Other Matter

10. The appellant argues that the appeal dwelling could have been extended upwards under the permitted development regime had it been built a few years later. However, as the rights do not apply to the property, I give this matter limited weight in the planning balance.

Conclusion

11. Taking account of my reasoning and all issues raised, I dismiss the appeal.

C Hall

INSPECTOR