



Appeal Decision

Site visit made on 14 December 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2022

Appeal Ref: APP/G2245/D/21/3287986

98 Millfield, New Ash Green, DA3 8HN

- 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 John Bakie against the decision of Sevenoaks District Council.
 - The application Ref 21/02437/HOUSE, dated 22 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is construction of a new two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed extension on the living conditions of the occupiers of 97 Millfield with particular reference to daylight and sunlight.

Reasons

3. There is no objection to the single storey element of the proposal which would align with the extension at No 99. However, the two-storey projection would be directly along the boundary with No 97 and would curtail daylight and morning sunlight to the living room. This is served by patio doors that would be adjacent to the proposed extension and also by a glazed door. The proposal would fall foul of the 45 degree test outlined in the Supplementary Planning Document on *Residential Extensions*.
4. Whilst this is useful guidance, it is not definitive. Nevertheless, the 45 degree lines would exceed the centre of the adjoining window by some distance. In view of this, the depth of the first floor addition and the orientation and narrow width of the affected property, there would be a significant reduction in daylight and sunlight. The impact would be materially greater than that arising from the existing fence or a 'permitted development' single storey extension.
5. As such, the living conditions of the occupiers of 97 Millfield would be seriously eroded. There would be conflict with Policy EN2 of the Sevenoaks Allocations and Development Management Plan which seeks to safeguard the amenities of existing occupants of nearby properties. The proposal would not accord with the development plan and no material considerations outweigh this conflict.

Conclusion

6. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR