



Appeal Decision

Site visit made on 24 January 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/V2255/D/22/3311114

37 Holly Blue Drive, Iwade, Sittingbourne ME9 8WN

- 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 Gareth Landen the decision of Swale Borough Council.
 - The application ref 22/504236/FULL, dated 8 August 2022, was refused by notice dated 25 October 2022.
 - The development proposed is for a two storey side extension with pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with pitched roof at 37 Holly Blue Drive, Iwade, Sittingbourne ME9 9WN in accordance with the terms of the application ref 22/504236/FULL, dated 8 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DC/710, DC/712, DC/713R
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of 1 Chalkhill Close with regard to overbearing impact.

Reasons

3. The appeal site relates to an end terrace, two-storey dwelling with off-street parking to the front. It is located within a row of other properties of differing size, design and detailing. The immediate vicinity to the north is predominantly residential in nature with open grassland to the south.
4. The development would run perpendicular to the rear elevation and garden area of 1 Chalkhill Close, would be set against the backdrop of the existing appeal dwelling and would not project beyond its existing front or rear elevations. To my mind, any changes in the outlook from the openings at both ground and first floor level of No. 1 would be limited. Views in other directions, for example along Holly Blue Drive, would ensure that the appeal scheme would not dominate the outlook from the habitable areas.

5. I am therefore satisfied that the proposal would not have an unduly oppressive or intrusive effect on occupants of the internal rooms of No.1. Even when viewed through the ground floor openings, the proposal is unlikely to result in a sense of confinement or enclosure sufficient to harm the living conditions of occupants. In a relatively high-density area such as this, it would clearly not be unusual to be able to see the built form of other dwellings from living rooms or bedrooms.
6. Whilst the scheme would be more evident from the back garden of No.1, I am aware that the relationship would be similar to that seen between 23 Red Admiral Close and other dwellings in Chalkhill Close, and in this context I find that the development would not be so unneighbourly as to warrant a refusal of planning permission on this ground.
7. I consider that the proposal would not result in material harm to the living conditions of the occupants of 1 Chalkhill Close with regard to overbearing impact. It would accord with Policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which states that proposals should cause no significant harm to amenity.

Conditions

8. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance.

Conclusion

9. Based on the foregoing, the appeal is successful.

C Hall

INSPECTOR