



Appeal Decision

Site visit made on 15 March 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2023

Appeal Ref: APP/K2230/D/22/3312900

12 Cruden Road, Gravesend, DA12 4HD

- 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 Stanley Akwaeze against the decision of Gravesend Borough Council.
 - The application Ref 20221080, dated 7 October 2022, was refused by notice dated 25 November 2022.
 - The development proposed is the erection of a two-storey side extension, a part two storey, part single storey rear extension and creation of off-road parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, a part two storey, part single storey rear extension and creation of off-road parking spaces at 12 Cruden Road, Gravesend, DA12 4HD in accordance with the terms of the application, Ref 20221080, dated 7 October 2022, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue in this case is the scale and the extent of the proposed development in relation to the site.

Reasons

3. Number 12 Cruden Road is a two-storey semi-detached property with a hipped roof, and a single storey flat roof rear extension. The proposal is for the erection of a two-storey side extension, a part two storey, part single storey rear extension and creation of off-road parking spaces. The two-storey side element would project 1m from the side wall and extend 10.8m, with an overall height of 7.5m. This element would have a hipped roof. The single storey rear element would have a depth of 6m from the existing rear elevation. The first-floor rear element would have a width of 4m and depth of 3.3m. The roof form would follow that of the side extension.
4. I note that there was a proposal for a single storey rear extension with a depth of 6.00 metres, maximum height of 2.70 metres and eaves height of 2.40 metres (reference 20220160) that resulted in the decision of 4 May 2022 that Prior Approval was not required. The element of the proposal that is a modest 1m two storey projection from the flank elevation, would be set back behind the front elevation and below the main ridge so demonstrating subservience. The first floor element of the proposal, which would project approximately

- 3.3m from the rear elevation and span some 4m is deemed by the council acceptable in terms of design and scale.
5. The second element, the ground floor single storey rear extension has partly been permitted under a prior approval consent, but would be 1m wider – running out to the extremity of the 2-storey side extension. The council refers to its adopted Supplementary Planning Document 4 – Householder Alterations and Extensions Guidance (SPD4). This states that an extension should respect the scale of the host dwelling and should not exceed the width of the main dwelling as it was originally built.
 6. The council points out that the original host dwelling at ground floor level measured 40m², the proposed single storey extension under this permission would measure 38m², almost doubling the footprint of the original floor plan. The council considers that this demonstrates that the extension would constitute overdevelopment of the site, not respecting the scale of the original dwelling.
 7. It can be seen from this that it is a small additional element to the ground floor rear extension that is objected to by the council. I noted at my site visit that the neighbour at No.10 has a rear ground floor extension that projects to a similar depth but, as far as I could see, only ran the width of that existing house.
 8. Whilst I can see that the totality of the appeal proposal exceeds that which would be acceptable under the guidance in SPD4, it is only by a small amount, running across to the extremity of the 2-storey element, and is at the rear of the dwelling. I cannot see that this is inappropriate in terms of scale, constituting overdevelopment of the site, to the extent that refusal of permission is justified. I will therefore allow the appeal.

Conditions

9. The council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG), and amended the text as necessary. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to ensure no loss of privacy to the neighbouring property; conditions 5 to 8 are in the interests of highway and pedestrian safety; and condition 9 is to protect the amenity and privacy of the occupants of the neighbouring properties.

Terrence Kemmann-Lane

INSPECTOR

Schedule of 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 approved plans, drawing Nos. 220804-30B – Block and Locations Plans; 220804-20A - Proposed Floor and Roof Plans; and 220804-21A - Elevations.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The first floor bathroom window within the southwest elevation of the development hereby approved shall be installed and retained in perpetuity as obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale, and non-openable below a level of 1.7m above the adjacent internal floor level.
- 5) Prior to occupation of the extension hereby permitted, 2.0m by 2.0m pedestrian visibility splays shall be provided at the back edge of the footway on either side of the vehicular access and thereafter no boundary wall, fence or other means of enclosure or obstruction exceeding 600mm in height shall be erected or placed within the visibility splays.
- 6) The approved hardstanding shall not be brought into use until a vehicle crossover to the full width of the proposed hardstanding has been installed.
- 7) No gates shall be installed across the vehicular access hereby permitted at any time.
- 8) The development hereby approved shall not be occupied until the car parking and turning areas shown on the approved drawings have been fully provided and made available for use. These facilities shall be retained for use at all times thereafter.
- 9) Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no additional window, door or other form of opening, other than as shown in the approved drawings, shall be formed in the south western flank elevation of the ground floor extension, or either flank elevation of the first floor rear extension hereby permitted.

End of Schedule