



Appeal Decision

Site visit made on 25 May 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2023

Appeal Ref: APP/Z2260/D/22/3304301

13 Osborne Road, Broadstairs, Kent CT10 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms South against the decision of Thanet District Council.
 - The application Ref PN01/TH/22/0641, dated 5 May 2022, was refused by notice dated 27 June 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a single storey rear extension at 13 Osborne Road, Broadstairs, Kent CT10 2AE in accordance with the terms of the application, Ref PN01/TH/22/0641, dated 5 May 2022, and the plan submitted with it, being BDG 984-2.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO planning permission is granted for the enlargement of a dwellinghouse, subject to limitations and conditions. The main parties do not dispute that the appeal scheme meets the requirements of Schedule 2, Part 1, Class A of the GPDO such that it would constitute permitted development, subject to those conditions and limitations.
3. The application was made for prior approval for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1. Paragraph A.4(7) to Part 1 requires that, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. One letter of objection was received during the Council's consideration of the application, which claimed to be from one of the adjoining occupiers. As such the provisions of paragraph A.4(7) were triggered and I have assessed the appeal on this same basis.
4. I observed during my site visit that building works had been undertaken at the rear of the property, including extensions which appeared different to those proposed. In any event I have considered the appeal on the basis of the information supporting the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the amenity of no.15 Osborne Road, with particular regard to outlook and light.

Reasons

6. No.13 Osborne Road is a historic semi-detached property which is attached to no.15 to the south. Both properties have long gardens extending to the rear and rear projections of varying degrees at the ground and first floor level. These projections are predominantly set away from the shared boundary, creating a narrow gap to the fence line.
7. The rear gardens are divided by a close boarded timber fence and no.15 has a number of openings which are close to the boundary. This appears to include a large rear facing window in the back of the main property, as well as double doors and a small window in the side of its rear projection which directly face the appeal site. There is little evidence before me about the rooms which those windows serve, however the property is also served by a large window at the back of the rear projection which faces into the garden.
8. The proposal would have an eaves height of 2.5m and would therefore project above the height of the existing boundary fence. The proximity of the existing fencing to those windows, together with the rear projections of no.13 create an existing sense of enclosure in the outlook from those affected windows. While this would be exacerbated to some degree by the proposal, given the existing circumstances its effects would not amount to unacceptable harm.
9. Given the development would be located to the north of those nearest neighbouring windows, and considered together with the existing circumstances described above, there would not be a harmful decrease in the sunlight or daylight received by no.15.
10. In conclusion, for the reasons given, the effects of the proposal on the amenity of no.15 Osborne Road would be acceptable.

Other Matters

11. I note the concerns relating to the legitimacy of the objection letter received during the course of the application and the evidence provided regarding the ownership and occupation of no.15. In any event, I have not found harm arising to the amenity of no.15 and as such I do not consider it necessary to consider this matter further.

Conditions

12. Suggested conditions have not been put forward, and neither do I consider any to be necessary in relation to the impact on the amenity of any adjoining premises.

Conclusion

13. The appeal is allowed and prior approval is granted.

C Shearing

INSPECTOR