



Appeal Decision

Site visit made on 18 July 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref: APP/A2280/D/23/3318433

94A Woodside, Rainham, Gillingham, ME8 0PN

- 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 Darren Creary against the decision of Medway Council.
 - The application Ref MC/22/2989, dated 19 December 2022, was refused by notice dated 13 February 2023.
 - The development proposed is increase in part of roof height together with roof extension to side with dormer to rear and alterations to front to provide additional living accommodation in roof space.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description given on the application form for the appeal proposal was "First Floor Extensions". However, the council changed this to the description that I have used in the heading above. I consider that this more fully describes the operational development intended.

Main Issues

3. The main issues in this case are: i) the effect on the appearance of the appeal property and its effect on the living conditions of the neighbours at Nos.92, 92A and 94 Woodside; and ii) the adequacy of the garden amenity space for the appeal dwelling as proposed to be enlarged.

Reasons

The effect on the appearance of the appeal property and its effect on the living conditions of the neighbours at Nos.92, 92A and 94 Woodside

4. The appeal dwelling is a detached bungalow with accommodation within the roof space on the south side of Woodside, behind No.94, which is a health clinic. It is one of three dwellings served by a short unadopted private drive, the other 2 being large 4-bedroom detached houses. No.92, a bungalow, now occupies only the front half of its original curtilage, there being a recently constructed substantial dormer bungalow at the rear numbered 92A. The appeal dwelling has been extended and now has 3-bedrooms with a bedroom on the ground floor and 2 bedrooms in the roof area. The officer's report deals in some detail with the planning history of the site, which is well known to both parties and which I will not reproduce here.

5. The appeal proposal follows from a previous application that included 3 bedrooms in the roof area, which would have produced 4 bedrooms in all. The current proposal before me is to enlarge the bedroom at the northern end of the first-floor accommodation by extending over the garage, to produce what the officer describes as a large family dwelling, but it would remain a 3-bedroom dwelling.
6. From the plans, it appears that the southern element of the existing bungalow was the original development, having the highest roof, whilst the northern element drops down and back from the front façade, appearing subservient to the southern part. Added to the northern end is a flat roofed garage that it is proposed to build upon. The additional accommodation at first floor level would not only rise above the garage, but would also raise the roof over the northern (currently subservient) half of the existing bungalow, the whole of the raised section being accommodated within a hipped gable, the ridge of which would be marginally below the height of the original structure.
7. The resulting front elevation, looking over the private drive towards No.96 Woodside, would have 2 rooflights. The rear elevation, looking over the rear garden of No.92, would have 2 substantial dormers, occupying much of the raised roof slope, although one of these is existing in the present lower roof. The additional dormer would duplicate the views across the driveway to No.92A to the rear garden of No.92.
8. One result of the proposal is that the hipped gable over the existing garage would be directly south of the small open area at the rear of the clinic at No.94, which is partly occupied by a double garage. There is no analysis of daylight and sunlight on the rear yard, but I doubt that it would have any material effect on the present use. However, the clinic use occupies what was clearly originally a dwelling, and if it reverted to residential use, the extension would be over dominant and intrusive. The additional dormer in the appeal proposal would more directly overlook the private garden area of No.92, and would as a result add to the intrusion on residential privacy, albeit that this would only be a marginal increase. I have noted that the recently constructed No 92A has 2 dormers looking directly towards No.92, but the appeal proposal would be closer to the area immediately at the rear of this dwelling.
9. I conclude that the proposed extension to the appeal dwelling would be an inappropriate addition that would not relate well visually to the existing building, with an incongruous half-hip roof that would extend further at the front of the dwelling. The little coherence in the present appearance of the dwelling would be exaggerated. It would add to the cramped appearance of this dwelling that occupies almost all of its curtilage, being set on the boundary with what is now the driveway to No. 92A, and the front half of its curtilage being given over to the shared private drive and car parking space. It would be prejudicial to any return of No.94 to residential use. These conclusions lead me to decide that permission should not be granted.

The adequacy of the garden amenity space for the appeal dwelling as proposed to be enlarged

10. It is true that the existing dwelling has minimal garden/amenity area, but the appeal proposal does not add any additional bedrooms, since the dwelling would remain with 3. It is possible that the enlarged bedroom might facilitate an additional occupant, but on balance it seems to me that the proposal would

not materially change the relationship of residential occupancy and the outdoor amenity space provided. Therefore this issue does not support the second reason for refusal

Conclusions

11. I have taken account of all matters raised, and recognise that the existing accommodation in the bedroom that would be enlarged is not ideal, and clearly the appellants household would benefit from the enlarged accommodation. However, for the reasons that I have given in paragraphs 8 and 9 above, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR