



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/V2255/D/23/3321941

43 St Helens Road, Sheerness, ME12 2QX

- 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 Charles Lukas against the decision of Swale Borough Council.
 - The application Ref 23/500422/FULL, dated 25 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is the erection of first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the appearance of the existing dwelling and on the character and appearance of the area; and ii) the extent to which the development provides for car parking space and the effect on the safety and convenience of highway users.

Reasons

3. The appeal dwelling is a bay fronted semi-detached house within the built-up area of Sheerness. It has hard landscaping to the front, with access to a single attached garage. There is also amenity space to the rear of the property. The other properties in St Helens Road are almost all of similar size and design, mainly semi-detached with some detached houses. Their facing materials are fairly uniform, although there are some different treatments to the finishes of the bays at first floor level. Generally there is space between the pairs, of a garage width or so, although the detached houses tend to have one side elevation close to the curtilage boundary. The effect is a very uniform appearance and character to the road. There are a few cases where 2-storey side extension have been built.

The effect of the proposed development on the appearance of the existing dwelling and on the character and appearance of the area

4. As paragraph 2 of the National Planning Policy Framework (the Framework) points out, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise [s70(2) of the Town and Country Planning Act 1990, and s38(6) of the Planning and Compulsory Purchase Act 2004]. The development plan is the Swale Local Plan 2017, within which policy DM16 supports alterations and extensions to existing buildings where they reflect the

scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.

5. This is elaborated in the council's Supplementary Planning Guidance (SPG) on house extensions. In respect of side extensions, it sets out the following guidance:

"5.0 Where a two storey side extension to a house is proposed in an area of mainly detached or semi-detached housing, the Council is anxious to see that the area should not become "terraced" in character, losing the sense of openness. Residents of such a street have a right to expect that the character should be retained. Houses should not be physically or visually linked, especially at first floor level as the space between buildings is important in preserving the area's character and sense of openness. A gap of 2m between a first floor extension and the side boundary is normally required".

6. This is a common approach in planning policy, and the reasoning is clear. In particular, the rights of other residents in a street are well recognised. In this instance, the road is characterised by dwellings with gaps between buildings which add to the character of the area and sense of space. The proposed extension would reduce the gap at first floor level to approximately 0.5m from the site boundary and would not accord with the SPG, and would result in a loss of a prevailing characteristic of the area - important space between dwellings.
7. The set back from the front of the building does not alter the basic relationship of dwellings and space between them. As the SPG also advises, setting an extension back will not normally overcome this issue and, if the neighbour were to do the same, it would result in a terracing effect. This is a road that has a high level of uniformity in house type, exterior features and spacing. Whilst precedent is not normally an important consideration in such matters, allowing individual development of this sort makes it all the more difficult for the council to control the situation in the future. This is demonstrated where precedent of examples elsewhere is used as part of the justification for this proposal. The officer's report gives some explanation about the background to the examples put forward.
8. In addition to the matter of spacing between dwelling, the proposed flat roof is entirely at odds with the design of the existing house and almost all others in the road. This amounts to poor design which both the Framework and development plan policies seek to avoid.
9. The appellant's appeal statement refers a number of paragraphs from the Framework. For the most part these refer to the general approach that local planning authorities are expected to follow, and do not address the issues in this case. What I do note is that paragraph 4.8 quotes from Framework paragraph 124 and item c) is highlighted which deals with the capacity of infrastructure and services, which is not in issue here. What is not emphasised is the following final 2 points of that paragraph that draw attention to the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places – which are to the point. I also note that in paragraph 4.10 of the statement "Good design is a key aspect of sustainable development" (Framework paragraph 126) is highlighted, and reference is made to Framework paragraph 134 (not 130 as referred to in paragraph 4.12 of the statement) that planning permission should be refused

(for development) where it fails to reflect local design policies ... taking into account local design guidance and supplementary planning documents.

10. Most of the supporting factors in the appeal document have been dealt with in paragraphs 6 to 8 above; but I need to comment on the statement that "the vicinity is 'dominated' by additions which are an established feature and contribute greatly to the character of the area," (statement paragraph 5.14). I find this not to be a fair reflection of the situation in St Helens Road, whilst some of the examples referred to clearly illustrate developments that the policies rightly seek to avoid.

The extent to which the development provides for car parking space and the effect on the safety and convenience of highway users

11. The appellant's response to this issue is that the current parking provision is acceptable: parking is available within the garage and within the frontage of the house, without causing the need for on-street car parking.
12. The council points out that the proposal would create an additional bedroom at the property, making it a 4 bedroomed property. The garage space is approximately 2.4 x 4.9m, which falls below the minimum dimensions as set out in the Car Parking Supplementary Planning Document (SPD), meaning it cannot be counted as a parking space. These dimensions have not been challenged. The area to the front of the garage is approx. 3.6m deep, which is again less than the minimum dimensions as set out in the SPD. The SPD sets out that in suburban areas, 2-3 spaces should be provided for 3 bed dwellings and 3+ spaces for dwellings with 4 or more bedrooms. Quite clearly the appeal property cannot meet the off-street parking requirement for a 3 bed house, and the addition of a bedroom facilitates higher occupancy which could occur in future, if not with the present household. This is an additional point that stands against the proposed development.

Overall conclusions

13. I have taken account of all other matters raised, including appeal decisions that are said to support the proposal. However, I have no knowledge of the background to these cases, and as mentioned in the appellants statement of case, each appeal must be determined on its own merits.
14. In light of the matters dealt with in paragraphs 6 to 8 above, I conclude that the proposed development would be harmful to the appearance of the existing dwelling and to the character and appearance of the area. In addition, the proposed increase from 3 bedrooms to 4 has the potential to increase the number of cars owned or used by the household, leading to further pressure on kerbside parking which could affect the safety and convenience of highway users.
15. For these reasons I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR