



Appeal Decision

Site visit made on 2 August 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 16 August 2023

Appeal Ref: APP/K2230/W/22/3307790

Nos 15 & 17 Westfield Close, Gravesend, Kent DA12 5EH

- 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 Rishi Upple against the decision of Gravesham Borough Council.
 - The application Ref 20220692, dated 28 June 2022, was refused by notice dated 22 August 2022.
 - The development proposed is a two-storey side extension to No 15, plus new external facing materials and the resurfacing of the drive to both properties.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's reasons for refusing permission relate only to the proposed side extension, to No 15 Westfield Close, and I have dealt with the appeal on this basis.
3. With regard to the proposed changes in external materials, to both Nos 15 and 17, and the resurfacing of their driveways, it is not disputed that these can be carried out without planning permission, either as 'permitted development' or because they do not amount to development. It is therefore unnecessary for me to consider these other works any further. For the avoidance of doubt, my decision on the present appeal does not in any way affect the statutory rights of the owners of either property with regard to these matters.

Main issues

4. The main issues in the appeal are:
 - The effects of the proposed extension on living conditions at the next-door property, No 13 Westfield Close, with regard to visual impact;
 - and the effects on living conditions at the appeal property itself, with regard to the adequacy of the garden area available.

Reasons for decision

Visual impact on No 13

5. Nos 15 and 17 Westfield Close are a pair of semidetached chalet-style houses, with their first floors mainly contained within their roofs, which have large dormers to both the front and back. At the rear, No 15's ground floor has

been extended to provide an enlarged kitchen. At the side, the property has an attached single-storey garage, which extends up to the boundary with No 13 Westfield Close. No 13 itself forms part of another pair of semis, and was originally of similar design, but has subsequently added a single-storey rear extension, and also a first-floor side extension above its garage. Nos 15 and 17 are set further back than No 13, so that No 15's front elevation is roughly in line with No 13's original rear wall.

6. The 2-storey extension now proposed to No 15 would replace the existing garage, but would be around twice the height, and would also extend further back. The upper floor would be formed within the roof, with the existing ridged roof and dormers being extended sideways towards the boundary with No 13. The new flank wall would be directly on the the boundary, and the cheeks of the extended dormers would be within a metre or so from it. The upper part of the extension would therefore introduce a substantial volume of new building, at first floor level, either on or almost on, the boundary.
7. I appreciate that, in the design of the scheme, efforts have been made to reduce the impact on the adjoining occupiers, by stepping down from the main ridge line, and by stopping the dormers short of the full width. But nevertheless, due to the staggered layout between the properties, the whole of the proposed extension's depth would be set behind the line of No 13's rear first floor windows. Seen from the nearest of these, the development would appear as a large and bulky structure, in close proximity, extending back for several metres. As such, it would have a dominating and enclosing visual impact on the outlook from the most affected room at No 13.
8. I note that, according to the appellant, the room in question is used as a study, and I have no reason to think otherwise. But in view of the present trend towards increased working from home, I see no reason to treat this differently from any other habitable room. And in any event, seems is likely that this room could also be used as a bedroom in the future. I accept that the room already has a partial view of the appeal property's gable end, but the appeal proposal would result in the new end wall being brought significantly closer, and thus being more obtrusive than in the existing situation. I agree that No 13's ground floor rooms and garden would not be unduly affected, but this does not alter my view as to the impact at first floor level.
9. I am aware that No 13's occupiers have not objected. But the reason that planning policies seek to protect residential living conditions is to maintain the quality of the housing stock, for the benefit of future generations as well as the present occupiers.
10. I note the appellant's contention that an alternative extension could be carried out as 'permitted development'. But the permitted development allowance would not include a side extension with more than a single storey, or exceeding 4 metres at the highest point¹. The impact of such a development would therefore be less than that of the appeal proposal.
11. I appreciate that the development now proposed would not be dissimilar from the first floor extension carried out by the owners of No 13 at some time in

¹ Class A.1(j) of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015

the past. But nevertheless, that extension now exists, and as such, living conditions within it are worthy of the same level of protection that would apply in any other situation.

12. I conclude that, for the reasons explained, the proposed extension would have an unacceptably overbearing visual impact on living conditions at No 13 Westfield Close. As such, the development would conflict with Policy CS19 of the Gravesham Core Strategy (the GCS), adopted in September 2014, which seeks, amongst other things, to ensure that developments safeguard the amenity of neighbouring properties.

Garden size

13. The proposed extension would add one extra bedroom to No 15 Westfield Close, making it into a 4-bedroom dwelling. Under the Council's supplementary guidance SPG2², a 4-bedroom dwelling should have a minimum garden area of 100 sq m, and a minimum depth of 10m. By the Council's measurements, the appeal property's rear garden amounts to 69.6 sq m, with a depth of 8.4m, thus falling short on both counts. These calculations have not been challenged.
14. As the appellant points out, in the present case the proposed extension would not take away any of the appeal property's existing garden. But as it now stands, the property meets the standard for a dwelling of up to three bedrooms only. The effect of the development would be to expand the property's capacity, giving it the potential for a higher occupancy, and thus increasing the amount of external garden space likely to be needed. There is no evidence that the standards for a 4-bedroom dwelling, as sought in the SPG, are excessive, and indeed to my mind, they reasonably reflect the likely needs of a family of the size that might be expected to occupy such a dwelling.
15. Although the garden at the appeal property is modestly sized, it is a convenient shape, level, and not excessively overlooked or overshadowed. As such it is seen by the appellant as sufficient for his family's needs. And in addition, they are also able to make use of the garden of No 17 as well as their own, due to their family relationship with the occupiers of that property. However, the purpose of the SPG seems to me to be to ensure that residential properties should provide good living conditions throughout the whole lifetime of the dwelling, and this means having regard for the likely needs of future occupiers as well as the present ones. This approach seems to me to properly reflect paragraph 130 of the National Planning Policy Framework, which advocates, amongst other things, that developments should function well and provide a high standard of amenity for both existing and future users.
16. I appreciate that, as an alternative to the appeal scheme, it might be possible to increase the number of bedrooms through internal alterations, without needing planning permission. It is also possible that permitted development rights might potentially allow some further extension, elsewhere within the site, that could result in the garden being left smaller than it is now. But there is nothing before me to indicate how far any of these theoretical fallback options would be realistic, or whether they would be likely to be implemented.

² Supplementary Planning Guidance 2: Residential Layout Guidelines, adopted February 1996 and amended October 2020

In the absence of more detailed evidence, these scenarios carry little weight. So too does the appellant's suggestion of restricting any such future development options, by means of conditions.

17. None of these matters therefore seems to me to outweigh the clear conflict that I have found with the SPG standards for garden sizes. In addition, I note that the standard in question also seeks to ensure that properties should where possible retain an external access to the rear garden, from the front of the house, without passing through the building, other than via a garage. This seems to me an entirely sensible requirement. In the present case, the appeal proposal would result in the loss of the existing access through the garage, leaving the property with access to the garden only through the lounge and other living spaces. This reinforces my view that, in relation to the question of compliance with the SPG standards, the appeal is not well-founded.
18. I conclude that the proposed development would result in an unacceptably adverse effect on living conditions at the appeal property, due to the property then being unable to provide an adequate amount of outdoor garden space for the likely needs of future occupiers. This failing would involve a further conflict with Policy CS19 of the GCS, with particular regard to the requirement under that policy to ensure that developments safeguard the amenities of their own occupiers.

Other matters

19. In terms of its design and appearance, the proposed scheme would successfully match the style of the remainder of the house, and thus maintain the cohesiveness of the surrounding street scene. But this does not outweigh the harm that would arise in respect of the matters discussed above.
20. I note the details provided regarding a development permitted by the Council at another nearby property, where permission was granted despite a shortfall in garden area. However, any apparent inconsistency between the Council's own decisions would be a matter for the Council itself. I also note the appellant's comments regarding what is seen as a lack of positive or creative engagement by the Council. However, I am required to determine the appeal based on its planning merits.

Conclusion

21. For the reasons explained, I have found that the proposed development would have an unacceptable impact on the outlook from the adjoining property No 13 Westfield Close, and would result in the appeal property itself having an inadequate garden area for the size of dwelling that it would become. In both respects, the scheme would adversely affect the living conditions of existing and future occupiers, contrary to GCS Policy CS19.
22. This conflict with the development plan is not outweighed by any other material considerations. The appeal is therefore dismissed.

J Felgate

INSPECTOR