



Appeal Decision

Site visit made on 5 September 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/K2230/D/23/3322786

37 Cheyne Walk, Meopham, Kent DA13 0PF

- 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 Mrs Kathryn McBryde against the decision of Gravesham Borough Council.
- The application Ref 20230049, dated 19 January 2023, was refused by notice dated 16 arch 2023.
- The development proposed is described as "Double storey side extension to form, play room and study. First floor two en-suite bathrooms and a walk-in wardrobe to the existing bedroom. Existing garage to be removed, and new garage to be constructed."

Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension to form, a playroom and study, two en-suite bathrooms and a walk-in wardrobe to the existing bedroom, with the existing garage to be removed, and new garage to be constructed at 37 Cheyne Walk, Meopham, Kent DA13 0PF in accordance with the terms of the application, Ref 20230049, dated 19 January 2023, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of No 10 Grenville Close, with specific regard to enclosure; and ii) parking provision.

Reasons

Living conditions

3. The appeal proposal would provide a two-storey side extension the full depth of the host property, which would adjoin the rear boundary with 10 Grenville Close. The proposal would effectively infill a gap between the rear fence at No 10 and the existing flank elevation at the appeal site, providing a development that would be closer to the rear elevation and garden at No 10.
4. Planning permission¹ has previously been granted at the appeal site for a two-storey rear extension and part single and part two storey side extension. From my site observations the two-storey rear extension element has largely been completed, although work to the side extension has not yet been implemented. The proposed flank extension would be no closer to the rear boundary fence at No 10 than the approved and partially implemented scheme, albeit it would provide additional mass at the first-floor level at the rear.
5. Whilst the appeal scheme would increase the mass at first floor from that approved, this would be set against the existing shape of the property. Given

¹ Gravesham Borough Council Planning Ref: 20160555

its location within the existing silhouette of the host property it would not be visually intrusive or particularly overbearing when viewed from No 10 or its rear garden. It is acknowledged that the appeal proposal would represent a visual increase in development, however I am satisfied that the proposal would not create an overly oppressive or enclosing atmosphere to the detriment of the existing outlook from No 10.

6. The Council's Householder Extensions/Alterations Design Guide Supplementary Planning Document (SPD), adopted October 2021, seeks to protect the residential amenity of neighbours and enhance the local built environment. The SPD highlights that two-storey side extensions should have regard to the 25-degree rule in respect to outlook. The proposal would represent a modest breach of the 25-degree rule as set out in the SPD guidance. However, given the presence of the existing dwelling and for the reasons stated above, the overall scale and depth would not be unduly oppressive to the outlook at No 10.
7. Consequently, the proposal would not have a harmful effect on the living conditions of the occupiers of the neighbouring property at No 10 with particular reference to enclosure. The proposal accords with the general aims and objectives of the SPD, the relevant sections of Policy CS19 of the Gravesham Local Plan Core Strategy (CS), adopted September 2014 and Paragraph 130 f) of the National Planning Policy Framework (the Framework) which collectively seek developments to provide a good standard of amenity for all existing occupants of buildings.

Parking provision

8. CS Policies CS11 and CS19 seek to ensure that schemes provide sufficient levels of parking in accordance with adopted local parking standards, to avoid unacceptable impacts on on-street parking and highway safety. In accordance with the parking standards a total of 2 off-street parking spaces would be required for the proposal.
9. Cheyne Walk is a residential area with no restrictions in operation prohibiting on-street parking, and many of the properties have forecourt parking incorporating multiple vehicles. From my site observations and the plans before me, whilst no designated parking spaces have been provided there is sufficient space available within the plot for the provision of 2 off-street parking spaces, which could be secured by way of a suitable condition.
10. Consequently, subject to a condition the proposal would include sufficient on-site parking provision to serve the development. It would, therefore, accord with the relevant sections of CS Policies CS11 and CS19 and the Saved Policies T1 and P3 of the Gravesham Local Plan First Review Saved and Deleted Policies Version (September 2014) which, amongst other things, seek to provide sufficient off-street parking and to ensure that proposals do not unnecessarily impede the free flow of traffic, which would impact on highways safety.

Other Matters

11. I recognise that the proposal has generated public interest, with several consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions by the interested

parties, which include but are not limited to, effect on light, loss of privacy and overlooking.

12. With regard to light, given the orientation of the properties, the course of the sun, and therefore the direction of shadowing, the impact on daylight and sunlight as a result of the proposal on No 10 would be limited. As such, I am satisfied that the proposal would maintain a reasonable relationship with the adjacent properties and not lead to excessive loss of daylight and sunlight.
13. In respect to overlooking and loss of privacy, the first-floor window would serve a non-habitable room, and as such could be conditioned to be fixed shut and obscured glazed. Subject to the imposition of such a condition, the design of the proposed development would ensure that existing residents at No 10 would not experience any loss of privacy from the upper floor. Nevertheless, it would be prudent to remove permitted development rights to ensure that no additional alterations and/or openings could be provided on this flank elevation to protect the living conditions at No 10.

Conditions

14. In the absence of conditions suggested by the Council I have imposed a standard time limit condition and a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.
15. I have imposed a condition in respect to material specification in order to ensure an acceptable visual effect. In the interests of highway safety and the living conditions of neighbouring residents I have also imposed a condition which is necessary to secure 2 off-street parking spaces.
16. Due to the size and shape of the site and its relationship to neighbouring dwellings, it is necessary and reasonable to remove permitted development rights for extensions and alterations, to protect the amenity of neighbours and future occupants. I have also attached a condition securing obscured glazing on the flank window to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy.

Conclusion

17. There are no relevant material considerations to indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

Robert Naylor

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 following approved plans: Site Location Plan, Proposed Block/Site Plan and drawing number MAD - 457-03
- 3) The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority for appropriate parking space to be laid out within the site for 2 cars and that space shall thereafter be always kept available for the parking of vehicles and retained in perpetuity.
- 5) The development hereby permitted shall not be occupied until the window on the flank wall at first floor adjoining 10 Grenville Close has been fitted with obscured glazing, and no part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the approved obscured glazing shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Class A of Part 1 of the Second Schedule of the 2015 Order shall be constructed.

END OF SCHEDULE