



Appeal Decision

Site visit made on 30 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/A2280/D/24/3347566

13 Megby Close, Rainham, Medway ME8 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Philip and Wendy Hovell against the decision of Medway Council.
 - The application Ref is MC/24/0739.
 - The development proposed is first floor extension on top of existing ground floor extension, with pitched roof and new obscure glazed window inserted into the side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the adjoining occupiers.

Reasons

4. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The first floor extension would be extremely dominant in the outlook from the rear habitable living space, particularly that of the ground floor living space, within the neighbouring properties, as well as from their outdoor living spaces at the rear of the dwellings. I do not find that the proposal would represent a modest scale and projection as suggested by the appellants. The visually overbearing impact of the extension in such close proximity to the adjoining properties would diminish the enjoyment of the residential living environment for the neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
5. I acknowledge that the existing ground floor extension at the property is already within the 45-degree sight line in the outlook from of No.14. Nonetheless, the proposal would create a development of substantially greater height over the same depth as the existing extension. Such a development would have a greater perceptive impact within the outlook of the existing neighbouring occupiers of No.14.
6. The dual pitched roof would be subservient to the main roof line and the development would have matching eaves height. It would also align with the existing ground floor extension and utilise matching materials. The proposal would

optimise the efficient use of land. Whilst the proposal may be considered acceptable in design and land efficiency terms, these matters do not overcome the harm that I have identified above to the living conditions of neighbouring occupiers, nor would they justify the proposed development.

7. It is pointed out that there is local support for the proposal and notably by the occupiers of No.14. Whilst this may be so, this does not make an unacceptable development acceptable or justify the proposed development.
8. It is suggested that there are other similar developments in the area. However, I did not see any first floor extensions to the rear of the properties along this side of Megby Close. I have been directed to a rear extension at No.6 Megby Close, a property at the opposite side of Megby Close. It appears to me that extension is of different positioning and relationship to its neighbouring properties to that of the proposal that is before me. It also has a greater separation from the common boundary with its adjoining property. Therefore, the considerations relating to the proposal at No.6 would have been different to that of the proposal that is before me. The proposal before me can and should be considered on its own individual merits.
9. I acknowledge the appellant's willingness to amend the proposal to reduce the size of the scheme. However, this was not done as part of the planning application process and I must consider the proposal that is before me and on which the Council made its determination.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers. The proposal would, therefore conflict with Policies BNE1 and BNE2 of the Medway Local Plan 2003 and the provisions of the Framework. These policies seek, amongst other matters, all development to protect those amenities enjoyed by nearby and adjacent properties.

Other Matters

11. The appellants are the care givers to their three grandchildren that have disability/mobility and other health needs. The proposal would improve the living standards for the occupiers by providing additional and separate living spaces within the property. This improvement to the living standards is supported by an occupational therapist. There is a social benefit to assist the family remain together and provide for the needs and disabilities of the children as sought by social services. I acknowledge that the family may not be in a position to move to a larger property. Whilst I sympathise with the personal circumstances of the appellants and their young family, I am mindful that the harm to the living conditions of the adjoining residents would be permanent and this is not outweighed by the appellants' particular circumstances.

Conclusion

12. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR