



Appeal Decision

Site visit made on 18 August 2025

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/A2280/W/25/3365601

View Bungalow, The Homestead, Sundridge Hill, Cuxton, Rochester ME2 1LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Amarjit Gill against Medway Council.
 - The application reference is MC/25/0125.
 - The development proposed is extension and roof extension to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a front porch extension, replacement of existing front conservatory with extension, a gable roof extension with front dormer to existing bungalow to create new habitable space, side extension, and existing rear extension extended with balcony, and double dormer at View Bungalow, The Homestead, Sundridge Hill, Cuxton, Rochester, ME2 1LF in accordance with the terms of the application, reference MC/25/0125, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development in the banner heading is taken from the application form. However, I have used the description of development set out on the appeal form in my appeal decision, which tallies with that used by the Council to publicise the application, as it more accurately describes the development proposed.
3. The appeal has been made following the Council's failure to determine the application within the required period. The Council has not submitted an appeal statement and so I have had regard to the letters of representation received during the publicity period on the application, the appellant's submissions and the development plan policies referred to by the Council in its appeal questionnaire.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of residents of Rainbows End with regard to privacy, outlook, and natural light; and
 - the safe and efficient use of the highway.

Reasons

Character and Appearance

5. The appeal site is on the opposite side of Sundridge Hill to a cluster of houses on the edge of Cuxton and is adjacent to the dwelling at Rainbows End. There is variety in the architectural forms of the houses such that there is no overall defining character to the built form in the vicinity of the site.
6. The host dwelling sits at a lower level than the road behind a tall boundary fence. It is not prominent in views when travelling along the road or from the nearby houses due to the screening effect of the neighbouring property and the boundary fence along the road.
7. The proposal would notably alter the appearance of the dwelling. However, while its massing would increase it would nevertheless continue to sit relatively unobtrusively on the site when viewed from the road and nearby properties due to its position at a lower level and the screening effect of the roadside fence. It would sit comfortably within the varied built form of the area which includes houses of varying sizes, and with a mix of designs and materials including some with similar contemporary features.
8. While the increased massing of the dwelling would be more apparent in the wider landscape, the character of the site would still be one of a residential use on the edge of a settlement. The proposed development would result in a dwelling with a larger footprint and a significantly greater volume. However, the dwelling sits on a generous plot, and it would not have a cramped appearance.
9. Overall, therefore, I conclude that the proposed development would not harm the character and appearance of the area. Consequently, it would accord with Policy BNE1 of the 2003 adopted Medway Local Plan (the LP) which requires the design of development to be appropriate in relation to the character, appearance and functioning of the natural and built environment.
10. For the reasons given above, the proposal would not significantly degrade the open character between the settlements listed in the supporting text to LP Policy BNE31 or result in a significant expansion of the built confines of the settlement. Nor would it materially harm the landscape character and function of the area as required by LP Policy BNE34 for development in Areas of Local Landscape Importance. I therefore find no conflict with these policies. There would also be no conflict with the design objectives or those for the natural environment in paragraphs 131, 135 and 189 of the National Planning Policy Framework (the Framework).

Living Conditions

11. There is currently some overlooking of the neighbouring garden from the existing side windows in the dwelling. With the internal configurations proposed, the ground floor side windows facing towards the neighbouring property would serve an en-suite and utility room and would be obscure glazed and fitted with fixed shut panels below 1.7m from the floor level. Given the cill height proposed for the windows in the roof, views towards the neighbouring property would be restricted.
12. Two balconies are proposed in the rear elevation. A 1.8m high obscure screen is proposed at the eastern end of each balcony. This would be sufficient to restrict

direct overlooking of the neighbouring property, including the area of garden nearest to the house. The screen along the main length of the balconies would not be obscure glazed. However, given their location in relation to the neighbouring property, only oblique views towards the rear end of the neighbouring garden would be possible.

13. Due to the separation distance, the lack of direct views and the identified mitigation measures which could be secured by planning condition, I am satisfied that the proposed development would not give rise to unacceptable levels of overlooking for residents of the neighbouring property.
14. The eaves and roof height of the rear part of the dwelling would increase. There would also be a larger expanse of roof plane. This includes on the elevation nearest to the neighbouring property. However, the dwelling sits at a noticeably lower level than the neighbouring one which would reduce the effect of the increased scale and massing for neighbouring residents. The roof would slope away from the neighbouring property which would also help to moderate the effect of the increased height and larger expanse of roof. As such, the proposal would not dominate the outlook from the windows in the rear elevation of the neighbouring property or from the garden. The proposal would not therefore have an overbearing effect on the outlook for neighbouring residents.
15. The appellant has submitted evidence which demonstrates that the proposal would not breach the '45-degree approach'. Consequently, it is unlikely that neighbouring residents would experience a material loss of daylight to the rooms served by windows in the rear elevation or the rear garden.
16. Due to the orientation of the dwelling there is currently the potential for the creation of some overshadowing to the neighbouring property during the later part of the day. There would likely be some increase in shading due to the increased height proposed for the existing rear extension. However, any increase in shading is unlikely to be excessive due to the separation distance, relatively modest increase in eaves height and the sloping nature of the roof. Consequently, the proposal would not unacceptably diminish the quality or useability of the rooms served by the windows in the rear elevation or the rear garden of the neighbouring property.
17. For the reasons given I conclude that the proposed development would not harm the living conditions of residents of Rainbows End with regard to privacy, outlook, and natural light. It would therefore accord with the living conditions requirements of Policy BNE2 of the LP and paragraph 135 of the Framework.

Safe and Efficient Use of the Highway

18. During my site visit, which I appreciate is a snapshot in time, the road on which the site sits appeared relatively heavily trafficked. It is subject to a 40mph speed limit where it passes the site. The access to the site off this road is at a slight angle. However, it is of a reasonable width and there is a filter lane when approaching from the west. The site has a good sized hard surfaced area and an extensive rear garden. Consequently, there is no clear reason to doubt that sufficient manoeuvring space could be provided within the site to enable construction vehicles to enter and exit in a forward gear.
19. Traffic on the road may need to slow down to allow vehicles to turn into the site during the construction period, but this will already be the case. While traffic to the

site would likely increase during construction, the scale of the proposed development is not so significant such that the frequency of movements would result in an unacceptable impact on the efficient flow of traffic.

20. Given the area that would remain within the site, I am satisfied that sufficient vehicle parking would be provided.
21. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the safe and efficient use of the highway. It would therefore accord with the highway requirements of Policy T1 of the LP and paragraph 116 of the Framework, as well as the parking requirements of LP Policy T13.

Conditions

22. I have considered the conditions suggested by the Council. I have amended the wording of certain conditions having regard to the six tests set out in the Framework without altering their fundamental aims.
23. For certainty, the relevant conditions concerning the time period for commencement and the approved plans are necessary. To safeguard the living conditions of neighbouring residents, conditions are necessary to secure an obscure screen on the two balconies, and obscure glazing, non-opening windows and specified cill heights for the windows on the east elevation. In the interests of the character and appearance of the area, a condition is necessary to require that the materials used are as stated on the application form.

Conclusion

24. For the reasons given, the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 24-1594/003 C; 24-1594/004 C; 24-1594/005 A; 24-1594/006.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form dated 23 January 2025.
- 4) The obscure screens located on the ground and first floors, as shown on drawing nos. 24-1594/003 C, 24-1594/004 C, and 24-1594/005 A, shall be fitted no less than 1.8 metres above the finished floor level of the room and external space it serves. The extension hereby permitted shall not be occupied until the screens have been installed. The screens shall be maintained and retained as such thereafter.
- 5) The extension hereby permitted shall not be occupied until the ground floor windows on the east side elevation as shown on drawing no. 24-1594/005 A have been fitted with obscure glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be maintained and retained as such thereafter.
- 6) The extension hereby permitted shall not be occupied until the first-floor windows in the roof of the east side elevation as shown on drawing no. 24-1594/005 A have been fitted with cills above 1.7 metres from finished floor level. The windows shall be maintained and retained as such thereafter.