



## Appeal Decision

Site visit made on 7 November 2018

**by Mr Kim Bennett DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2018**

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**Appeal Ref: APP/U2235/D/18/3209878**

**6 The Covert, Chatham, Kent ME5 9JJ**

- 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 Dean Simmons against the decision of Maidstone Borough Council.
  - The application Ref 18/503229/FULL, dated 14 June 2018, was refused by notice dated 10 August 2018.
  - The development proposed is a two storey side and front extension combined with a first floor side extension above existing ground floor extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 4 The Covert.

### Reasons

3. No 6 The Covert comprises a two storey detached house located at the end of the cul-de-sac and forms part of a small development of individually designed dwellings. It has a single storey extension on its northern side and an adjoining detached garage alongside that. To the rear there are residential properties forming part of Brownelow Copse. The topography varies within the immediate area, so that Nos 2 and 4 The Covert are set at a significantly lower level than No 6.
4. Planning permission was refused for an apparently similar proposal in 2017<sup>1</sup> for three reasons, namely; design, loss of privacy to Nos 2 & 4 The Covert and overbearing impact upon No 4 The Covert. The Council considers that the revised proposal overcomes the first two reasons, but not the third in respect of the impact upon No 4.
5. I took the opportunity at my site visit to inspect the site from both within the rear garden of No 4, as well as the ground and first floor rear facing rooms. It is evident that because of the significantly higher site level of No 6, it already has a dominating presence in relation to the outlook from the rear of No 4. That is accentuated by the nature of No 4's rear garden which narrows to a

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<sup>1</sup> Application Reference 17/506384/FULL

point as it extends past No 6. Because of that, there is an additional enclosing effect caused by the extended rear wall of No 6, and the presence of large mature trees along the northern boundary with No 2 The Covert. In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.

6. Whilst I note that there has been some discussion between the appellant and the Council in terms of readjusting the first floor east facing wall of the proposed extension, such options are not before me and I have reached my findings based on the submitted drawings. For the avoidance of doubt these are drawing Nos 19485A, 19485B and 19485C.
7. In terms of other impact upon nearby properties, had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.
8. The Council raises no objections from a design point of view. In that regard, I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.
9. Finally, although I have been referred to an apparently similar extension at No 15 Brownelow Copse, the specific circumstances of that development are not before me and such cases need to be considered on the basis of individual site circumstances and relationships to adjoining sites.
10. Whilst the proposal would be acceptable in some respects, for the above reasons, there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook.
11. Accordingly, the appeal is dismissed.

*Kim Bennett*

INSPECTOR