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## Appeal Decision

Site visit made on 23 April 2024

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

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**Appeal Ref: APP/V2255/D/24/3337252**

**26 Springvale, Iwade, Sittingbourne ME9 8RX**

- 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 C. Eldridge against the decision of Swale borough Council.
  - The application Ref 23/504056/FULL, dated 26 August 2023, was refused by notice dated 23 November 2023.
  - The development proposed is a two storey side extension with pitched roof design.
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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. Both main parties have had the opportunity to comment on the relevant implications for the appeal. 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 occupiers of No.48B Sheerstone.

### Reasons

4. The rear garden of No.48B Sheerstone is small and that dwelling has windows within its rear elevation. The proposed extension would be sited very close to the rear parts of this neighbouring property and bring built development much closer to this property. Being two storey the extension would be of some size in the outlook from this neighbouring property.
5. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The visually overbearing impact of the two storey extension in such close proximity to No.48B Sheerstone would diminish the enjoyment of the residential living environment, particularly that of the outdoor amenity space. Consequently, this would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
6. The Council advises that the larger part of the proposed extension, despite having a pitched roof and being sited to the north east, would not pass the Building Research Establishment (BRE) 25 degree of light test. As such,

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there would be some loss of light to the rear windows of No.48B Sheerstone. This would be a further harm arising from the proposed extension.

7. The proposal would improve the living environment within the appeal property for the occupiers. Furthermore, no objections to the proposal have been received from existing neighbouring occupiers. Whilst this may be so, this does not make an unacceptable development acceptable, nor do the benefits to appellants' living conditions justify the proposed development.
8. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of No.48B Sheerstone. The proposal would, therefore, conflict with Policies DM14 and DM16 of the Bearing Fruits 2031 – The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to be of a scale appropriate for its location and to protect residential amenity.

**Conclusion**

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

*Nicola Davies*

INSPECTOR