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## Appeal Decision

Site visit made on 31 March 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

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Appeal Ref: APP/V2255/D/24/3357419

8 Anatase Close, Sittingbourne, KENT ME10 5AN

- 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 Mrs Melissa Doak-Dunelly against the decision of Swale Borough Council.
  - The application Ref is 24/504027/FULL.
  - The development proposed is an extension to the side of the existing detached garage.
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### Decision

1. The appeal is allowed and planning permission is granted for an extension to the side of the existing detached garage at 8 Anatase Close, Sittingbourne, Kent ME10 5AN in accordance with the terms of the application, Ref 24/504027/FULL, subject to the condition set out below: -
  - a) The development hereby permitted shall be carried out and/or maintained in accordance with the following approved plans: drawings nos. 2024-113-01 and 2024-113-03.

### Preliminary Matters

2. The planning application form indicates that the development has already taken place and I was able to view the side extension to the garage at the time of my visit.
3. 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

4. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of No.1 Senora Way, particularly in regard of outlook and light.

### Reasons

5. The existing garage with its recent side extension runs alongside the side boundary of No.1. The proposal brings built development closer to the dwelling at No.1 and along the side boundary of the rear garden. I accept that the side extension will be visible in outlook from No.1. However, the eaves of the extension are low in height and match the eaves of the existing garage. Furthermore, the roof slopes away from No.1. Given its overall modest height and size of the extension with its roof pitching away from No.1, the garage extension is not an overly dominant or

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enclosing feature in the outlook from the rear habitable living space within the property of No.1 or that of the outdoor living space at the rear.

6. The garage extension is positioned east of the dwelling and to the north east of the rear garden. As noted above the extension has a limited eaves height and roof that pitches away from No.1. Taking into account the orientation of the sun, the extension would not cast any significant overshadowing over the dwelling or the rear garden.
7. The gable end of the garage extension also abuts the side patio of No.1. Some overshadowing of the patio area will take place but this would only be for a relatively short period of the day. I do not consider any such loss of light resulting from overshadowing would be so substantial as to cause significant harm to the living conditions of existing neighbouring occupiers.
8. Consequently, I do not find that the side extension to the existing garage would diminish the enjoyment of the residential living environment for the neighbouring occupiers at No.1 and, as such, would not harm the enjoyment the existing occupiers should reasonably expect to enjoy.
9. For these reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of No.1 Senora Way, particularly in regard of outlook and light. As such, the proposed development would comply with Policies DM14 and DM16 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017. These policies seek, amongst other matters, development to protect residential amenity and to cause no significant harm to amenities.

#### Other Matters

10. Concerns are raised to potential noise and disturbance arising if the extended garage were to be used to build cars. However, the proposal has been put forward as a householder planning application seeking planning permission for works or extension to a dwelling. Therefore, the proposal should be assessed on the basis that it is a residential garage and any associated activities relate to those of a residential property. Whilst concern is also raised to fire risk, from the evidence before me there is no clear indication that there would be a significant risk of fire as result of the development.

#### Conditions

11. I have considered what planning conditions if any should be imposed in light of paragraph 56 of the Framework and the Planning Practice Guidance. As the development has already commenced there is no requirement to impose the timeframe for commencement of development condition. In order to avoid doubt an approved plan list should be made a condition of this permission.

#### Conclusion

12. For the reasons set out above, and subject to the condition listed, this appeal should be allowed.

*Nicola Davies*

INSPECTOR