



Appeal Decision

Site visit carried out on 18 February 2025

by Jennifer Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/K2230/D/24/3351586

25 St Francis Avenue, Gravesend, Kent DA12 4SY

- 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 Nicholas Wood against the decision of Gravesham Borough Council.
 - The application No is 20240381.
 - The development proposed is the erection of a first floor rear and part side extension.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Main Issues

2. The main issues in this case relate to the effect of the development proposed on the character and appearance of the host dwelling and its surroundings, and its effect on the living conditions of occupiers of No 23 Francis Avenue, with particular regard to daylight and outlook.

Reasons for the Decision

Character and Appearance

3. This detached two-storey property has been extended previously. A rear conservatory and detached garage to the side were demolished to facilitate the erection of a 5m deep, single-storey extension wrapping around the rear and side of the property to form a lounge, kitchen, utility room and garage. A porch was also added to the front of the property.
4. The appeal scheme proposes a first-floor extension above the full extent of the existing rear extension, wrapping part way around the side of the property, above the utility room, increasing the number of bedrooms from 3 to 4. An existing chimney would also be removed.
5. Among other things, the Council's adopted design guidance¹ requires that first floor rear extensions should not dominate the property, are not of greater width than the original building, with roof designs that do not overwhelm the roof to the main property, and with the 45/25-degree rule used to assess the impact of an extension on neighbouring light/outlook. In relation to two storey side extensions, it advises that they should be no more than half the width of the original house, sited behind the main front building line with a roof design that reflects, and is generally subservient to, the roof of the main property. The use of flat, or false pitched roofs, visible from the street should be avoided.

¹ Householder Extensions/Alterations Design Guide Supplementary Planning Document (October 2021)

6. Whilst the first-floor extension to the side does not appear to be more than half the width of the original property, and would be set well back from the main front building line, the first floor extension across the rear would be wider than the original dwelling, extending out to the side above the kitchen (to the rear of the utility room). Although around half of the rear extension is shown with a hipped, pitched roof over, the eaves to which would align with the existing eaves, the ridge would be the same height as the main house, overwhelming the original roof form. Moreover, whilst the roof to the rest of the rear extension, and that to the side, would be lower than the main roof, at the same height as the existing front gable feature, it comprises a crown roof, incorporating a false pitch with an expanse of flat roof that would, contrary to the view of the appellant, be visible from the street when approaching downhill from the southeast, across the tops of the adjacent flat roof garages. .
7. The proposed extension would more than double the original first floor space. Its bulk, scale and massing mean that it would not be subordinate. In essence, it would comprise a disproportionate addition that would dominate the original property. It also includes an area of flat roof with a false pitch, a design feature specifically resisted by the adopted guidance because of its often-incongruous appearance. Whilst there is a variety of roof design in the area, I saw no crown roofs at first floor level within the street scene, with none drawn to my attention. When considered in its setting I find, for the reasons set out above, that the development proposed would significantly harm the character and appearance of the host property and the surrounding area. That brings it into conflict with policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Householder Extensions/Alterations Design Guide SPD, which together and among other things, require a high standard of design which respects the host building, and responds positively to local character.
8. There would be conflict too, with the requirement in the National Planning Policy Framework² for high quality design that is visually attractive and sympathetic to the surrounding built environment. Whilst the Framework provides qualified support for upward extensions, the development would not accord with its stance that they should be consistent with the prevailing form of nearby properties and the overall street scene. Paragraph 139 confirms, in this regard, that development that is not well designed should be refused, especially where it fails to reflect local design guidance.

Living Conditions of Adjoining Occupiers

9. The Council's Residential Layout Guidelines³ define bedrooms as habitable rooms, expecting that all dwellings will comply with the guidance in terms of loss of light and overshadowing. As shown through diagrams in the officer's report, the proposed extension would project some 4m beyond a first-floor rear facing bedroom window to the adjacent property to the west (23 St Francis Avenue) breaching the Council's 45 degree 'rule'. As a consequence, adjoining occupiers are likely to experience material loss of daylight to that window.
10. The appellant maintains that the impacts on adjoining occupiers are overstated by the Council, suggesting that the adjacent window is not affected by the 45-degree

² December 2024, as amended in February 2025.

³ Residential Layout Guidelines: Supplementary Planning Guidance 2 (amended June 2020)

rule. No substantiated evidence is before me though, demonstrating that the Council's application of the 'rule' is misleading or incorrect.

11. I also share the concerns of the Council in relation to outlook from that window. I appreciate that there is no right to a view, but the proximity of the two-storey extension, just 2m away, projecting back beyond the bedroom window by some 4m would, in my opinion, have an overbearing impact on the outlook of adjoining occupiers.
12. I appreciate that no objections were raised by the adjoining occupiers in relation to the proposed extensions. However, the absence of objections is not determinative, since there could be any number of reasons why no comments were made.
13. To conclude on this issue, I consider that the development proposed would have an unacceptable impact on the living conditions of occupiers of No 23 Francis Avenue, with particular regard to daylight and outlook. There would be conflict, in this regard, with the requirements of the Residential Layout Guidelines SPG, Local Plan policy CS19 and paragraph 135(f) of the National Planning Policy Framework 2024, which together and among other things seek to protect such interests.

Overall Planning Balance and Conclusion

14. I have found that the development proposed would result in material harm to the character and appearance of the host property and the surrounding area, with harm too to the living conditions of adjoining occupiers in terms of daylight and outlook. I recognise that the extension would provide an additional bedroom for the appellant's growing family. However, that is not a consideration that outweighs the significant harm that I have found would be a consequence of the proposal. On balance therefore, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR