Appeal Decision

Site visit made on 7 September 2010

by R J Perrins MA MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
17 September 2010

Appeal Ref: APP/Y3805/D/10/2133397
21 Millcroft Avenue, Southwick BN42 4RU.

- 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 Mrs Shirley Crosskey against the decision of Adur District Council.
- The application Ref ADC/0162/10, dated 1 May 2010, was refused by notice dated 8 June 2010.
- The development proposed is a single storey rear extension.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be; the impact of the development upon the living conditions of occupiers of the adjoining properties and; upon the character and appearance of the existing dwelling.

Reasons

3. The appeal property lies to the west of Millcroft Avenue a gently sloping road which places the adjoining properties, Nos 19 and 23, slightly lower and higher then the appeal dwelling respectively. There are a number of buildings, garages and rear extensions in view from the rear of the appeal property. The proposal seeks a full width extension of some 6 metres in depth.

4. Whilst I do not have any details I accept that there is an extant planning permission (ref: ADC/0042/10) for a rear extension to a lesser depth of between 4 and 4.5 metres (measurements given by the parties are at odds). I understand that the extant permission does not meet the needs of the appellant. I also accept that the extension subject of this appeal would replace an existing conservatory and former garage.

5. The appellant states that the extant permission would enable much of the existing garage to remain. However, I was able to see that removal of the garage has now occurred and has opened up views from No 23. Although the majority of those views would be obscured by the development before me. I have no details as to whether the extant permission was determined on the basis of part of the garage being retained and I must consider what is before me.

6. In my opinion the development would not, given the removal of the garage and the separation and height differentiation between the properties, lead to unacceptable harm to the living conditions of occupiers of No 23. I come to that view having considered that there would have been restricted views, in any event, given the location of the original garage.

7. However, I was able to see that No 19 sits lower than the appeal property and, whilst a fence currently separates the properties, the development would sit higher than the screening afforded by the fence. It would extend some 6 metres into the garden and would, when viewed from the rear of No 19 draw the eye and appear as a dominating and overbearing feature. For these reasons I find it would result in unacceptable harm to the living conditions of occupiers of No 19.

8. I have also considered the appellant's view that the development would relocate the external amenity space further away from Nos 19 and 23 but do not accept, given the distances involved, that this would result in more privacy to occupiers of those properties. In addition I accept that No 19 is in the same ownership as the appeal property but I must consider all future occupiers of it.

9. I now turn to the second issue and find that given the number of extensions, garden buildings, fences, trees and restricted views to the rear of the property that the development would not lead to unacceptable harm to the character and appearance of the original dwelling. This does not however outweigh the harm I have identified.

10. For these reasons and having considered all matters raised I conclude that the development would be contrary to the advice in saved Policy AH7 of the Adur District Local Plan 1996 which sets out, amongst other things, that residential extensions should not have an overbearing effect upon occupiers of neighbouring dwellings.

11. The appeal should be dismissed.

Richard Perrins

Inspector