The Planning Inspectorate

Appeal Decision

Site visit made on 4 March 2019

by Megan Thomas Barrister-at-Law

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

Decision date: 19 March 2019

Appeal Ref: APP/Y3805/D/19/3220641
34 Gordon Road, Shoreham-by-Sea BN43 6WE

- 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 & Mrs Marshallsay against the decision of Adur District Council.
- The application Ref AWDM/1585/18 dated 16 October 2018, was refused by notice dated 11 December 2018.
- The development proposed is a ground floor extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the living conditions of the occupants of 32 Gordon Road with regard to light and outlook.

Reasons

3. The appeal site is a mid-terraced two storey inter war house on the south side of Gordon Road. To its west is no.32 which is also a two storey dwelling in the terrace. Nos 32 and 34 have paired two storey outriggers with single storey rear additions beyond. Each house has a single storey side lean-to made of lightweight construction. These meet at the common boundary but do not extend to the main house rear elevations. They leave an island of open space to the north in each plot.

4. The proposal involves some demolition and the erection of an L-shaped wraparound side and rear extension with a mono-pitched roof. The southern elevation would not extend deeper into the garden than the existing rear wall.

5. No.32 has an east-facing window on its outrigger which serves a kitchen. It also has a south facing window on the main rear elevation at ground floor level which serves a living room. There is an existing brick wall on the common boundary. The new west wall of the proposed extension would be about 2.3m to eaves height and would extend above the existing boundary wall. The new west wall of the proposed extension would be about 6.2 metres.

6. Owing to the depth and height of the proposed extension and its close proximity to the two ground floor windows of no.32, the light levels reaching the interior of the dwelling via those windows would be significantly reduced. I have borne in mind that the highest point of the existing rear additions would

be higher than the development proposed, however, I do not consider that would render the light reaching the interior of no.32 via the two most affected windows acceptable. I consider that those two rooms would be unduly gloomy.

7. Furthermore, when looking out of either of the affected windows in no.32 there would be a closed-in or tunnel effect resulting in an unacceptable loss of outlook from those windows.

8. The advice in the Council's Development Management Standard No. 2 *'Extensions and Alterations to Dwellings'* section 3.3 is applicable in this case. It states "*Where dwellings have been built with projecting sections it would not usually be acceptable to build an extension infilling the space between the projection and the boundary with an attached dwelling, unless both property owners co-operate to build a combined extension. This is because the property which was not extended would be left with rooms in a deep recess which would have a poor outlook and insufficient light*".

9. I have noted the letter of support for the proposal from the current occupants of no.32 Gordon Road. However, I am obliged to consider the living conditions of future occupants as well as current ones and I find that the loss of light would not be acceptable for all occupants.

10. The appellants have made reference to permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015. No alternative drawing is submitted showing what would otherwise be constructed using permitted development rights. I am not persuaded that there is any fallback extension development which could or would be built under that Order. Even if I am wrong about that, the evidence is not before me to demonstrate that such an extension would result in a worse loss of light or worse outlook for the occupants of no.32.

11. Overall, I conclude that the proposal would result in undue harm to the living conditions for the occupants of no.32 Gordon Road owing to loss of light and loss of outlook. It would be contrary to policy 15 of the Adur Local Plan 2017 and the Council's Development Management Standard No.2 *'Extensions and Alterations to Dwellings'*.

12. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR