The Planning Inspectorate

Appeal Decision

Site visit made on 14 May 2014

by S Holden BSc MSc CEng MICE MRTPI TPP FCIHT

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

Decision date: 21 May 2014

Appeal Ref: APP/Y3805/D/14/2216766
7 The Street, The Thatch Court, Lancing, West Sussex, BN15 0PL

- 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 James Campbell against the decision of Adur District Council.
- The application Ref AWDM/0108/14 was refused by notice dated 31 March 2014.
- The development proposed is rear kitchen extension and loft conversion.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed rear extension on the living conditions of the occupant of No 6 in relation to visual intrusion and loss of light.

Reasons

3. No 7 is part of a group of dwellings comprising two small terraces built in an 'L' shape facing an open green space. No 7 is the end-terraced house at the eastern side of the group that is set back from the street. It and the adjoining mid-terraced house have long rear gardens, which are on land that rises away from the dwellings.

4. The proposal seeks to construct a single storey rear extension with a pitched roof on all three sides. It would project 4m beyond the existing rear elevation and would be set in from the shared boundary with No 6 by 400mm. The proposal also includes the addition of two dormer windows in the roof to facilitate a loft conversion. The Council consider this latter element of the proposal to be acceptable and I see no reason to take a different view.

5. The garden of the adjoining property, No 6, is narrower than that of No 7. The existing fences and vegetation therefore give rise to an existing sense of enclosure for the occupants. The window closest to the shared boundary serves the kitchen. As this room faces north the light reaching it is already somewhat limited. The depth, height and bulk of the proposed extension would be highly visible from this room and from the patio immediately to the rear of the property.

6. The evidence presented with the appeal suggests that the proposal would not result in material increase in the overshadowing of the adjoining property or its property. I am satisfied that this would be the case. However, in my view it

would adversely affect the outlook from the kitchen and would appear overbearing and visually intrusive from both the kitchen and parts of the rear garden of No 6. This would arise from the combined effects of the depth, height and bulk of the proposal being in such close proximity to the shared boundary. I consider this to be the case notwithstanding the pitched form of the roof and the height of the boundary fence.

7. I note the objections to the proposal raised by several neighbours and the appellant's concern that these unduly influenced the Council's assessment and decision on the scheme. However, I have considered the proposal afresh on its individual planning merits having regard to planning policy. I appreciate that the design has incorporated a pitched roof to reduce its impact on No 6 and acknowledge that an extension 3m in depth could be implemented as permitted development. However, since no details of an alternative scheme were presented with the appeal I was not able to assess the potential differences in detail. Nevertheless, having stood in the kitchen and garden of No 6, I consider that the appeal scheme would adversely affect these parts of this modest terraced house, making them less places to be.

8. I therefore conclude that the proposed rear extension would be harmful to the living conditions of the occupants of No 6, arising from loss of outlook and visual intrusion. The possibility of an alternative scheme that could be built as permitted development is not a justification for permitting a proposal that I have found would be materially harmful. It would be contrary to saved Policy AH7 of the Adur District Local Plan and the Council's Supplementary Planning Guidance Development Control Standard No.3: *Extensions and Alterations to Dwellings*, which seeks to protect local residents from unacceptable overbearing effects of development. It would also conflict with the core principle of the National Planning Policy Framework to provide a good standard of amenity for all existing and future occupants of land and buildings. I have also had regard to the Planning Practice Guidance, published on 6 March 2014, but in the light of the facts of this case find that it does not alter my conclusions.

9. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR