The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2015

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 1 October 2015

Appeal Ref: APP/Y3805/D/15/3059149
39 Saxons, Shoreham–by-Sea, West Sussex, BN43 5JE.

- 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 Lee Teer against the decision of Adur District Council.
- The application Ref AWDM/0384/15, dated 16 March 2015, was refused by notice dated 8 May 2015.
- The development proposed is a rear single storey and part 2 storey extension.

Decision

1. The appeal is allowed and planning permission is granted for a rear single storey and part 2 storey extension at 39 Saxons, Shoreham–by-Sea, West Sussex, BN43 5JE in accordance with the terms of the application, Ref AWDM/0384/15, dated 16 March 2015, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 02 revision A dated 03.03.2015 (As proposed).

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 01 dated 03.03.2015 (As existing), 02 revision A dated 03.03.2015 (As proposed) and 05 dated 16.03.2015 (Block and location plans).

   4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/openings other than those expressly authorised by this permission shall be formed/inserted in the north or south elevations of the extensions hereby permitted.

Main Issues

2. I consider that the main issues in this case are:

   (a) the effect of the proposed development on the host building and thereby the character and appearance of the surrounding area; and

   (b) the effect of the proposal on the living conditions of neighbouring residential occupiers in terms of the development's potential to restrict outlook and aspect.

Reasons

Character and appearance

3. The property the subject of this appeal, number 39 Saxons, is a semi-detached two-storey house. It is located in a cul-de-sac of similar houses within a wider residential area. The semi-detached pair of houses, of a simple gable ended roof configuration, is located on rising ground. Number 39 has an attached single storey rear conservatory and number 38 has a slightly deeper and wider single storey rear addition. Although the house is built of face brickwork, the front porch and southern flank wall are rendered and painted white.

4. The appellant proposes the replacement of the existing conservatory addition with an almost full width single storey rear extension that would be approximately 3.9 metres deep. The proposed first floor addition over, positioned at the southern end of the house, would be about 3.8 metres wide by 3.9 metres or so deep.

5. The Council is of the opinion that as the single storey extension would be partly replacing the existing conservatory and an ample garden area would be retained, this element of the proposal would be acceptable. From what I have seen and read I would not disagree.

6. The proposed first floor extension would have a hipped roof. While the eaves line of the addition would follow that of the host property, its ridgeline would be set down below that of the main house. In my judgement, therefore, due to the first floor extension's limited plan size, hipped roof form and low ridgeline, it would appear as a subordinate addition wholly subservient to the existing dwelling.

7. Due to number 39 being the first property on the eastern side of the street and its position on rising ground, the proposed first floor addition would be open to some views from both the street and adjacent dwellings. The proposal to finish it with a render finish to match the existing flank wall may well add to its overall visual prominence. However, I am not persuaded that the first floor addition, even when considered cumulatively with the full width single storey extension, would be so out of keeping in scale and appearance with the existing building as to visually dominate the existing building or appear as an over development of the site.

8. I therefore conclude in respect of the first main issue that the proposed development would accord with the objectives of saved Policy AH7 of the Adur District Local Plan (Adopted April 1996) (LP) and the National Planning Policy

Framework (the Framework) as they relate to the quality of design having regard to the character and appearance of the area.

Living conditions

9. Although it would be full width, the Council found that the ground floor addition would not impact on the living conditions of neighbours in terms of its potential to result in a loss of light or privacy or appear overbearing. I would not disagree with the Council. Further, as the proposed first floor addition would not, as illustrated, fall within a 45 degree line drawn from the centre of the adjacent first floor window of number 38, I would agree that the first floor element would not result in a loss of light to the room served by that window.

10. The first floor extension would project some 3.9 metres or so beyond the rear wall of the property. However, given the width of the adjacent first floor bedroom window in number 38, its location away from the garden boundary and more particularly the distance of the flank wall of the new addition of some 2.9 metres from that boundary, I do not consider that the first floor extension would result in such a significant loss of outlook or aspect to the south, as suggested by the Council, to result in an un-neighbourly and imposing form of development. I accept that it may nevertheless reduce views to the south from the bedroom window but, as previously identified by the Council, loss of view is not a planning consideration.

11. There are two houses, situated on lower ground, on the corner of Saxons and Mill Avenue, the rear elevations of which face the appeal property. However, as the separation distance between the rear wall of the house on the corner and the flank wall of number 38 would not be decreased and the second house is set further to the east and at an angle to 38 as it would be extended, I do not consider that the rear aspect or outlook from either property would be significantly diminished because of the proposed addition.

12. On balance therefore I conclude, in respect of the second main issue, that the proposal would not cause significant harm to the living conditions of neighbouring residential occupiers. It would therefore accord with the aims of saved LP Policy AH7 and the Framework as they relate to the protection of residential living conditions.

Other considerations

13. I have also taken account of the Council's concern that if allowed the development might set a precedent for similar developments elsewhere. I have concluded that on the basis on which I have considered the case the scheme would comply with the objectives of planning policy. Although all sites are different, and all cases fall in the first instance to be considered by the local planning authority, proposals which fall within the terms of planning policy would not lead to the creation of an unacceptable precedent.

Conditions

14. The conditions follow from those suggested by the Council. In addition to the normal time limit and to ensure a high quality development I have included a condition about materials. Furthermore, to protect neighbours' living conditions, I have removed permitted development rights in respect of the

insertion of additional openings/windows in both the north and south elevations of the approved extensions.

15. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR