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/15/3130304
59 Beach Green, Shoreham-by-Sea, West Sussex, BN43 5YE.

- 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 Garry Thompson against the decision of Adur District Council.
- The application Ref AWDM/0502/15, dated 2 April 2015, was refused by notice dated 2 June 2015.
- The development proposed is described as re-modelling and extending of existing house to form a 5-bedroom house. New boundary walls 1 m high to front and sides and 1.8 m high to rear and sides. Proposed additional crossover from Mardyke (side access road) for safer access to property. Proposed swimming pool.

Decision

1. The appeal is dismissed.

Procedural matters

2. Neither of the parties has raised issues relating to either the proposed swimming pool or the new crossover from Mardyke. Nevertheless my determination will be made on the entire proposal.

Main Issues

3. I consider the main issues to be:

   (a) the effect of the proposed development on the character and appearance of the area; and

   (b) whether the proposal would be so overbearing as to cause harm to the living conditions of the occupiers of the neighbouring dwellings to the immediate south and east, having particular regard to the potential loss of light to and outlook from the conservatory of number 57 to the east.

Reasons

Character and appearance

4. The two-storey detached dwelling the subject of this appeal, number 59 Beach Green, is located on a corner plot at the junction of Beach Green and Mardyke. Due to the pavements, grass verges and low boundary walls to the properties, the area has an open and spacious character. To the side of the dwelling facing

Beach Green is a detached single storey flat roofed garage. To the south, number 8 Mardyke, is a detached bungalow while number 57 Beach Green to the east is a detached house that has been extended to the rear, with both a two-storey addition and a single storey conservatory adjacent to the appeal site.

5. The appellant proposes the remodelling of the house by way of a two-storey side and rear extension. Its existing distinct asymmetric pitched roof would be replaced with a hipped roof extending over the enlarged building. In addition, it is proposed to replace the boundary wall, making it higher so as to enclose the private garden area, and construct a new swimming pool in the south-west corner of the rear garden and form a new crossover to Mardyke.

6. The National Planning Policy Framework (the Framework) advises, at paragraph 9, that the pursuit of sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including, amongst other things, replacing poor design with better design. Further, at paragraph 64 the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7. The proposed development would serve to increase the overall visual mass of the building and significantly change its architectural character. However, as the proposed extensions would be to the east side, rear and to a limited extent the front, the house as extended would not significantly impact on the spacious nature of the front and side gardens open to public view. Although there are a limited number of notable exceptions, the boundary treatments in the immediate vicinity of the appeal property are generally low-rise brick walls with some hedging. In my opinion, the slight increase in height of the lower sections of the new boundary wall to 1 metre would not be harmful in this location. However, the proposed 1.8 metre high wall with inset close-boarded fence panels that would enclose the greater part of the side and rear garden would, while appearing incongruous in this context, severely denude the open and spacious character of the area.

8. Given this corner plot location I do not consider that a dwelling, extended and re-modelled, even of a contrasting contemporary design, better conceived than the existing to reflect the context of its location, would necessarily be out of place here. However, the proposed re-modelled house has clearly been designed to address only Beach Green. Although facing the road, the west elevation, due to its limited modelling and lack of fenestration would appear as a secondary elevation. In addition, by facing the house directly towards Beach Green the opportunity has been lost both to reflect and reinforce this prominent, open corner location at the junction of two roads. Furthermore, the proposed design fails to respect its relationship with the bungalow to the rear.

9. On balance, in my judgement, the design has not taken the opportunity afforded by this development to improve the character and quality of the area and the way it functions. I therefore conclude in respect of the first main issue that the proposed development, by reason of its design, would cause harm to both the character and appearance and local distinctiveness of the locality contrary to the objectives of the Framework, saved Policies AG1 and AH7 of the

Adur District Local Plan (Adopted April 1996) (LP) and Adur District Local Plan Appendix 11- Supplementary Planning Guidance (Adopted April 1996) – Development Control Standard No.3 *Extensions and Alterations to Dwellings* (SPG), as they relate to the quality of design and the protection of the character and appearance and local distinctiveness of a locality.

Living conditions

10. Number 57, to the east of the appeal site, is a detached two-storey dwelling. It has a single storey rear conservatory addition. While there is currently a generous gap between the existing dwelling and the neighbouring conservatory, the proposed two-storey side extension would reduce that gap significantly.

11. The Council is concerned that due to the proximity of the house, as extended, to the conservatory, it would appear overbearing and result in a loss of light to and outlook from the conservatory. Due to the juxtaposition of one dwelling to another, the retained separation distance and more particularly the principal orientation of the conservatory to the south and the views this offers over the rear garden, I am not persuaded that the proposed development would have such a significant overbearing impact, or result in such a loss of light or outlook, as to cause demonstrable harm to the neighbouring occupiers' living conditions.

12. The neighbouring property to the south of the appeal site is a detached bungalow. It is orientated at 90 degrees to number 59 with its principal elevations being to the street (west) and its rear garden (east). It has a series of what appeared to be mainly secondary windows in the north elevation that faces number 59. It is set in by about 1.8 metres or so from the common boundary, currently a low wire fence, allowing sufficient room for just a narrow side path. The separation distance between the two dwellings would be about 9.0 metres.

13. Due to the side extension, the overall increase in height and the new roof, the dwelling as altered and extended would appear more bulky when viewed from number 8 which, coupled with the proposed 1.8 metre high wall, would result in the new development being overbearing to some degree. However, given the orientation of the properties one to another and as the wall would be no higher than a typical close boarded garden fence, I am not satisfied that the overbearing effect would, alone, be so significant to justify the dismissal of the appeal in this case.

14. I therefore conclude, in respect of the second main issue, that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring dwellings to the immediate south and east. The proposal would therefore accord with the aims of the Framework, saved LP Policy AH7 and the Council's SPG as they relate to the protection of residential living conditions.

Other considerations

15. The Council does not dispute the proposal in respect of either the swimming pool or the crossover. However, as I consider that both these elements are an integral part of the overall development I do not consider that they are clearly severable. Accordingly, a split decision is therefore not appropriate in this case.

Conclusions

16. I have concluded that the proposed development would not adversely affect the living conditions of the neighbouring residential occupiers to the south and east. However, I consider that these factors are outweighed by the unacceptable harm that would ensue to both the character and appearance and local distinctiveness of the locality if the development were to go ahead. To my mind this is a compelling objection. I have considered all other matters raised, but none change my overall conclusion, reached on the planning merits of the proposal, that the appeal should not succeed.

Philip Willmer

INSPECTOR