The Planning Inspectorate

Appeal Decision

Site visit made on 3 May 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/Y3805/W/21/3289814
3 Queens Road, Southwick BN42 4RQ

- 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 Aleksandra Ariaman against the decision of Adur District Council.
- The application Ref AWDM/1480/21, dated 4 August 2021, was refused by notice dated 19 October 2021.
- The development proposed is demolition of an existing garage and replacement with a new dwelling.

Decision

1. The appeal is allowed, and planning permission is granted for demolition of an existing garage and replacement with a new dwelling at 3 Queens Road, Southwick BN42 4RQ, in accordance with the terms of the application, Ref AWDM/1480/21, dated 4 August 2021, subject to the conditions set out in Schedule A at the end of this Decision.

Main Issues

2. The main issues are the effect that the proposed development would have on:
   - the character and appearance of the surrounding area, and
   - the living conditions of the occupiers of 5 Queens Road, regarding outlook, and daylight and sunlight.

Reasons

Character and appearance

3. The appeal site is within a mainly residential area where most nearby dwellings include bungalows and chalet style dwellings set back from the roads in front gardens and/or drives. The surroundings are suburban in character. The land slopes down from roughly north east to south west. The site is on the north side of Queens Road, close to its junction with Kings Road.

4. The site includes much of the side garden of the chalet style dwelling at 3 Queens Road. The front of the proposed chalet style dwelling would be in line with the front of the bungalow next door at 5 Queens Road, its eaves height would be similar, and it would be about as wide. Because the dwelling would be a little deeper than the bungalow, its gabled roof would be a little taller, but this would be barely noticeable in most street scene views. Its gabled form would differ from the nearby hipped roofed bungalows, but as most nearby dwellings by the junction of the 2 roads have gabled roofs, it would harmonise

with its surroundings. The dwelling would replace the existing garage towards the front of the site, so the character and appearance of the area would be improved.

5. The Council's adopted Development Management Standard No 1 (DMS1) seeks a minimum gap of one metre between any wall and the side boundary, and, in places, the proposal would be a little closer. Even so, as there would be ample space between the dwelling and the neighbouring dwellings on both sides to respect the character and appearance of the area, and as the position of the dwelling takes into consideration the position of the buildings on the adjoining plots, it would satisfy DMS1.

6. Therefore, I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy Policy 15 of the Adur Local Plan 2017 (LP) which aims for development to respect and enhance the character of the site and the area, the thrust of DMS1, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places.

Living conditions

7. The roughly west side of the bungalow at 5 includes a porch and front door, and a kitchen window towards its roughly north facing back beyond them. The Council says that the back door from the kitchen is obscure glazed, so the only outlook from the kitchen is to the side. However, due to its plan shape and width, the main outlook from the bungalow would reasonably be expected to be from the rooms at the front and at the back, so the kitchen window could not reasonably be considered to be a principal window in terms of DMS1.

8. At present, the outlook from the kitchen window includes the tall fence by the side boundary, a short distance away. That view appears to be partly enclosed by the garage at the site by the side boundary, which is roughly as tall as the eaves of the bungalow, and the tall hedge of similar height by the side boundary, which extends northwards from roughly the back of the bungalow.

9. The proposal's rear facing dormer would be set in from the gable ends, so it would barely be seen from the kitchen window. The nearby gable end would be at least as tall as the eaves of the bungalow, but it would be sited further away than the fence by the boundary. Due to its siting, form, and the openness around it, the proposal would not be so overbearing or so oppressive that it would unacceptably harm the neighbouring occupier's outlook from the kitchen.

10. In the absence of technical evidence to show otherwise, there would be ample daylight in the kitchen, and whilst there would be less sunlight in the kitchen at times, that loss would not be so significant that the occupiers' living conditions would be materially harmed. Also, due to its siting at the side, the proposed dwelling would have almost no effect on the main outlook from, and on the sunlight and daylight received in, the rooms in the front and back of the bungalow.

11. The similar end of terrace bungalows at 25 and 20 have similar relationships to the chalet dwellings at 27 and 22 Queens Road respectively as the proposal. Those chalet dwellings are a little shallower than the neighbouring bungalows, but their gable ends are much taller, so their overall effect is similar to that

proposed, and thus, they support my finding that the proposal would be acceptable.

12. I consider that the proposal would not harm the living conditions of the occupiers of 5 Queens Road, regarding outlook, and daylight and sunlight. It would satisfy LP Policy 15 which aims for development to not cause an unacceptable loss of sunlight and/or daylight and outlook, and the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

13. LP Policy 20, which aims to control housing mix and quality, is included in the Council's reasons for refusal. As the Council has not raised concerns about the need for the 3 bedroom dwelling, and as the proposal would satisfy the nationally described space standard and it would have an acceptable private back garden, it would satisfy LP Policy 20.

14. As the nearby chalet dwellings and some nearby bungalows with roof space rooms include upper floor windows, a degree of mutual overlooking would reasonably be expected in a suburban area such as this. So, the overlooking that could occur from the dormer window in the proposal would not cause an unacceptable loss of nearby occupiers' privacy. Because they can be seen from the nearby streets, overlooking of the nearby front gardens is acceptable. The highway authority has not raised concerns, the construction phase should be relatively short-lived, and there is little evidence to show that biodiversity interests on or near the site would be adversely affected by the scheme, so they were not concerns in the Council's reasons for refusal, and I agree. The tree in the site's north east corner is not statutorily protected, so it could be removed at any time without the need for consent. Even so, plan 105/06/01 shows that the tree would be retained.

15. So, as the proposal would be acceptable, planning permission should be granted subject to suitable planning conditions.

Conditions

16. The Council's suggested conditions have been considered in the light of Framework paragraph 56 and Planning Practice Guidance.

17. The condition identifying the approved plans is necessary for certainty. Conditions to control external materials, hard and soft landscaping, and boundary treatment, are necessary to protect the character and appearance of the area. The condition for the car parking spaces is necessary in the interests of highway safety. The conditions for bicycle storage and electric vehicle charging space/s are necessary because they are not shown on the approved plans and they are reasonable to encourage the use of sustainable transport modes. The conditions to control boundary treatment, the windows in the east elevation, and removing permitted development rights for additional windows and other openings in the east elevation, are necessary to safeguard the privacy of neighbouring occupiers. These conditions have been imposed.

18. No exceptional circumstances have been put to me to explain why it would be reasonable and necessary for permitted development rights for the enlargement, improvement or other alterations to the dwelling and the erection of garden buildings to be withheld. So, that condition has not been imposed.

Conclusion

19. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.

20. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 105/01/P02, 105/03/01, 105/04/P01, 105/05/P01, and 105/06/01.

3) No development above ground floor slab level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.

4) No development above ground floor slab level shall commence until details of both hard and soft landscape works and the planting programme have been submitted to and approved in writing by the local planning authority. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, and the soft landscaping works shall be carried out in accordance with the approved details and approved planting programme.

5) The dwelling hereby permitted shall not be occupied until boundary treatment has been erected in accordance with details that have been first submitted to and approved in writing by the local planning authority, and the boundary treatment shall be retained as approved thereafter.

6) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with plan no. 105/06/01 for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

7) The dwelling hereby permitted shall not be occupied until covered and secure bicycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and the bicycle parking spaces shall be retained as approved thereafter.

8) The dwelling hereby permitted shall not be occupied until the electric vehicle charging space/s have been provided in accordance with details to

be submitted to and approved in writing by the local planning authority, and the electric vehicle charging space/s shall be retained as approved thereafter.

9) The dwelling hereby permitted shall not be occupied until the windows in the east elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the rooms in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the windows and obscured glazing shall be retained as approved thereafter.

10) 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 or other openings other than those expressly authorised by this permission shall be constructed in the east elevation of the dwelling hereby permitted.

End of Schedule A