The Planning Inspectorate

Appeal Decision

Site Visit made on 19 October 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2021

Appeal Ref: APP/Y3805/D/21/3281320
42 Slonk Hill Road, Shoreham-by-Sea BN43 6HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA, Paragraph AA.2.(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- The appeal is made by Mr Paul Kinsey against the decision of Adur District Council.
- The application Ref: NOTICE/0011/21, dated 23 June 2021, was refused by notice dated 23 July 2021.
- The development proposed is enlargement of a bungalow by construction of an additional storey.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for enlargement of a bungalow by construction of an additional storey at 42 Slonk Hill Road, Shoreham-by-Sea BN43 6HY in accordance with the application Ref: NOTICE/0011/21, dated 23 June 2021, and the plans submitted with it, and subject to the following conditions:

    1) The development must be completed within a period of 3 years starting with the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Plans & Elevations As Existing; 02 Rev A Plans & Elevations As Proposed; 05 Block & Location Plan.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The rear windows hereby permitted shall be obscure glazed below 1.7 metres from finished floor level, on installation. The rear side-hung windows shall have a maximum angle of opening of 45 degrees. These windows shall be retained as such thereafter.

    5) Before beginning the development, the developer shall provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated. The development shall be carried out in accordance with the submitted details.

6) The developer shall notify the local planning authority of the completion of the development in writing, as soon as reasonably practicable after completion, including the name of the developer, the address of the dwellinghouse and the date of completion.

Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issue in this case. I shall determine the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class AA of the GPDO.

Reasons

4. Under Schedule 2, Part 1, Class AA, Condition AA.2.(3)(a) of the GPDO, it is necessary to assess factors including (i) the proposal's impact on the amenity of adjoining premises and (ii) the external appearance of the dwellinghouse. Condition AA.2.(3)(a)criterion (i) sets out that amenity factors include overlooking, privacy and the loss of light. Condition AA.2.(3)(a) criterion (ii) sets out that external appearance of the dwellinghouse includes the design and architectural features of the principal elevation of the dwellinghouse.

5. The appeal property is a detached, single storey dwelling within a mainly residential area. Several side windows of neighbouring bungalows at Nos 40 and 44 Slonk Hill Road face towards the side of the appeal building. These detached buildings are separated by modest gaps. Given this configuration, the location of windows below soffits and the southern aspect of the buildings' frontages, there is already some shading of these side elevations, with scope for direct sunlight access between the buildings around mid-day. These natural light dynamics are likely to remain fundamentally similar even with the addition of the proposed first floor storey at No 42. Consequently, the proposal would not result in harmful loss of light to neighbouring dwellings.

6. The proposed rear bedroom windows would be obscure glazed below 1.7 metres from finished floor level, and the side-hung windows would have a maximum angle of opening of 45 degrees. The limited, oblique views towards neighbouring roofscape and parts of rear gardens, available only when the windows were opened, would not be significantly intrusive within the suburban context.

7. Given the above, the proposal would not harm the living conditions of residents of neighbouring dwellings at Nos 40 and 44 Slonk Hill Road in terms of light, overlooking and privacy. Therefore, the proposal would not harm the amenity of adjoining premises.

8. Regarding the external appearance of the dwellinghouse, while the proposed additional storey would depart from the prevalence of bungalow forms in the neighbourhood, the following combination of factors would help the enlarged building mass to visually assimilate within its setting.

9. There is some variation in building form and fenestration of dwellings in the vicinity of the appeal property, including various dormers on some dwellings. The undulating topography of Slonk Hill Road draws the eye, and viewed on the street from the west, the proposed development would appear against a backdrop of building mass on rising ground. Viewed on the street from the east, the raised height of the proposal would echo the peak of ground and building mass further along Slonk Hill Road. The substantial tree line to the rear off the host row of properties further adds to the visual variety of the backdrop. This backdrop of various elements, together with the pitched roof profile and use of materials matching the existing building would help the additional storey assimilate visually within its setting.

10. Furthermore, the proposed width of the front picture window would be contained to well within the horizontal spread of the appeal building's ground floor windows. Also, the shape of the top of this window would echo the building's pitched roof profile. Consequently, the proposed picture window in the front elevation would not discordantly draw attention to the enlarged building mass.

11. Consequently, the proposal would result in the appeal dwelling having sufficient architectural personality to 'hold its own', while also assimilating visually within the somewhat varied suburban context. Therefore, the external appearance of the dwellinghouse would be acceptable.

12. Accordingly, the proposal would not conflict with the aim of Policy 15 of the Adur Local Plan and the guidance in the Adur Development Management Standard No.2 Extensions and Alterations to Dwellings Supplementary Planning Guidance, to ensure that development is of appropriate appearance and safeguards neighbouring amenity. This policy and guidance are useful reference points in considering appearance and amenity matters, in this permitted development case.

13. In conclusion, the proposal would be permitted development under Schedule 2, Part 1, Class AA of the GDPO, with specific regard to criteria (i) and (ii) of condition AA.2.(3)(a).

Conditions

14. A condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty. A condition regarding windows is attached in the interests of the amenity of adjoining premises. I also attach conditions regarding materials, construction management and completion in accordance with the relevant provisions of the GPDO.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed, and prior approval should be granted.

William Cooper

INSPECTOR