APPEAL BY:
Mr Ross MacKenzie

AGAINST ADUR DISTRICT COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

Rooms in roof with side dormers to South and North roofslopes and additional window at second floor level to front (West) elevation

AT
33 Grinstead Lane, Lancing, West Sussex, BN15 9DU

Adur District Council's Reference: AWDM/0218/20

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

June 2020

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Ross MacKenzie, in support of the appeal lodged against the refusal of planning application reference AWDM/0218/20.

1.2 The application was dated 6th February 2020 and sought planning permission for rooms in roof with side dormers to south and north roofslopes and additional window at second floor level to front (west) elevation at no. 33 Grinstead Lane in Lancing. The application was refused under delegated authority on 26th March 2020 for the following reason:

> 1. *The proposed side roof extensions would, by reason of their unsympathetic scale, form, design and position, represent an incongruous, visually discordant and prominent addition to the streetscene harmful to the character of the house itself, the wider area and to local distinctiveness. As such the proposal is considered contrary to policy 15 of the Adur Local Plan, adopted Development Management Standard No. 2 - Extensions and Alterations to Dwellings and the National Planning Policy Framework.*

1.3 This grounds of appeal will address the central concerns raised within the council's reason for refusal, notably:

- Whether the *proposed side roof extensions would represent an incongruous, visually discordant and prominent addition to the streetscene harmful to the character of the house itself, the wider area and to local distinctiveness*.

1.4 By way of background to the case during the consultation period no responses or representations were received.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

2.1 The appeal site is located on the eastern side of Grinstead Lane within a predominantly residential area. The site is not within a conservation area or within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

2.2 No. 33 is a two storey detached, gable fronted dwelling that has a hardstanding to the front which provides off-street parking whilst to the rear is a private garden.

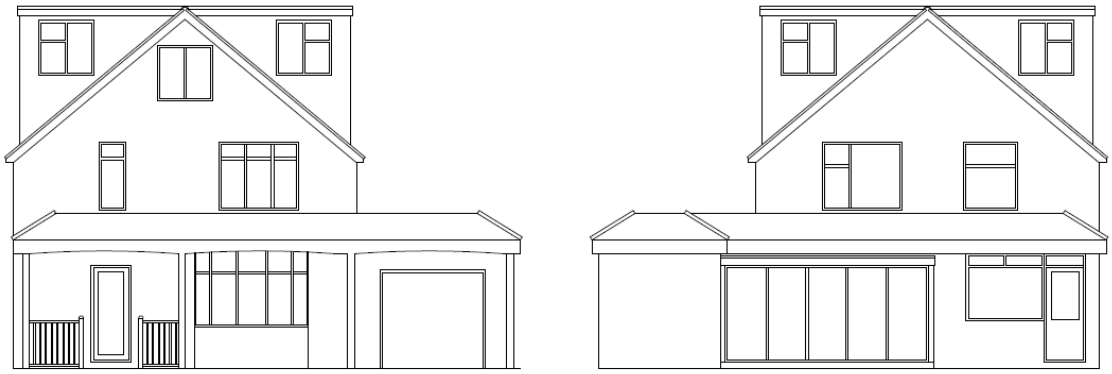


No. 33 Grinstead Lane

3.0 THE PROPOSED DEVELOPMENT

3.1 The appeal proposal sought planning permission for rooms in the roof with side dormers to south and north roofslopes and additional window at second floor level to front (west) elevation at no. 33 Grinstead Lane.

3.2 The side dormers will each measure approximately 7.8m long x 3.5m deep x 3m high and will be set in from the front and rear elevations by 0.3m and set up from the eaves by 0.5m.

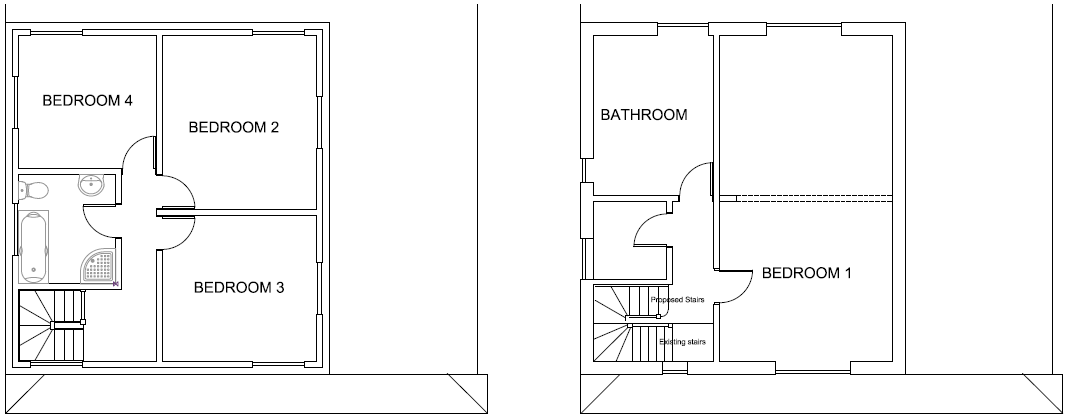


Proposed front and rear elevations

3.3 A window will be placed at loft level in the front gable in addition to windows within the front and rear facing dormer elevations. Within the side facing dormer elevations high level slit windows would be utilised.

3.4 The development would be completed to a high standard utilising complementary and matching materials including vertical tile hanging to the dormer elevations and UPVC double glazed windows.

3.5 The proposal would not lead to an increase in the built footprint on the site but would provide an approximate 48m^2 increase in habitable accommodation which would comprise three bedrooms and a bathroom.



Proposed 2nd floor and 1st floor layouts

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to policy 15 of the Adur Local Plan, adopted Development Management Standard No. 2 - Extensions and Alterations to Dwellings and the National Planning Policy Framework

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

4.6 Section 12 of the NPPF refers to design, with paragraph 124 describing how the Government attaches great importance to the design of the built environment, stating that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*."

4.7 Paragraph 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;*

and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.8 Paragraph 130 states:

"where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

Adur Local Plan

4.9 The new Local Plan sets the strategic development and land-use priorities for Adur (outside of the South Downs National Park) up to 2032, and contains the policies against which development management decisions within that area will be made. It replaces the saved policies of the Adur Local Plan 1996 as the Council's Local Plan. Policy 15 was referred to within the given reason for refusal.

Policy 15: Quality of the Built Environment and Public Realm

4.10 Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should (amongst other criteria:

- Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
- Include a layout and design which take account of the potential users of the site;
- Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;
- Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;

Development Management Standard No. 2 – Extensions and Alterations to Dwellings

4.11 The purpose of this Development Management Standard is to provide planning information to anybody who is considering extending or altering their house or bungalow. It sets out the planning principles that are used by the council in assessing planning applications and how these are applied to different types of extension.

4.12 This document provides advice on dormers and roof extensions stating amongst other criteria that they should be kept below the ridge level of the existing roof.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reason for refusal, notably:

a) Whether the proposed side roof extensions would represent an incongruous, visually discordant and prominent addition to the streetscene harmful to the character of the house itself, the wider area and to local distinctiveness.

5.2 The main considerations in the determination of this appeal are:

- Principle of the development
- Design and impact on the character of the existing property and the street scene
- Impact on the amenities of neighbouring occupiers
- Further material considerations

Principle of the development

5.3 The council have confirmed that the principle of the works can be supported as it upgrades a dwelling within the built up area boundary.

5.4 The following paragraphs will therefore demonstrate that the proposal is acceptable in terms of its impact on the dwelling and the character of the area as well as being a neighbourly form of development.

Design and impact on the character of the existing property and the street scene

5.5 Paragraph 124 of the NPPF states that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*".

5.6 Adur Local Plan policy 15 (Quality of the Built Environment and Public Realms) states that development should be of a high architectural quality and respect and enhance the character of the site and the prevailing character of the area in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

5.7 The proposed high quality development has been carefully considered to ensure that it would respect and enhance the character of the host site and assimilate with the pattern of development in the locality.

5.8 As described, the scheme proposes the construction of two side dormer extensions which would measure approximately 7.8m long x 3.5m deep x 3m high and will be set

in from the front and rear elevations by 0.3m and set up from the eaves by 0.5m. The roof extensions would be proportionate additions that are suitable in their form, siting, height, size and scale taking into account the context of the site.

5.9 In addition, the dormers would be hung with tiles which match the existing roofslopes and the fenestration would be UPVC to ensure the development was acceptable in terms of the materials used.

5.10 The street scene of Grinstead Lane is varied with differing architectural styles and property types including semi-detached and detached bungalows, chalet bungalows as well as two storey terrace, semi-detached and detached dwellings with many being disproportionate in size to their neighbouring properties. The following images highlight the variety of properties upon the street.



Varied street scene of Grinstead Lane

5.11 As is evident in the above images many of the properties have also been extended since their original construction which further adds to the diverse character of the area. Included in these changes are a significant number of rooftop extensions comprising hip to gable alterations and dormer additions that are similar to those proposed at the appeal site. Consequently, the appeal proposal would assimilate in the area and would therefore, accord with the aims of the Development Management Standard No. 2 (Extensions and Alterations to Dwellings) which states that roof extensions should respect the scale, character and appearance of existing dwellings.

5.12 Nevertheless, the council argue that as the appeal dwelling is a two storey house and is neighboured by bungalows the existing property is prominent in the street scene and the works would alter the shape of the roof giving it a top heavy appearance.

5.13 In response, the appellant states that the prominence of the property has been overly exaggerated as it is seen in context with its surroundings which includes other two storey dwellings and, as such, the appeal dwelling is no more prominent than any other property on Grinstead Lane and as dwellings are set well back within their plots this further minimises their prominence.

5.14 Whilst the council have acknowledged that there are other roof alterations in this street including side dormers they state that none are as large as those proposed in this case. However, the appellant considers that this demonstrates that the council have not made a full and accurate assessment of the street scene of Grinstead Lane as the following images clearly demonstrate that there are examples of a similar size and scale indicating that the proposal should also be considered acceptable.



Front and side dormers at no. 21 Grinstead Lane



Nos. 30, 28 and 26 Grinstead Lane



Side dormers at no. 39 Grinstead Lane



Side dormers at no. 48 Grinstead Lane



Side dormers at nos. 61, 63 and 65 Grinstead Lane

5.15 Whilst the appellant accepts that some of the examples shown above may have been permitted development, nevertheless, according to the council's planning database a number were also subject to normal householder applications and deemed to be acceptable.

5.16 The examples highlight the prevalence of full width side dormers to properties within the vicinity of the appeal site thus demonstrating that the appeal development in terms of proportion, form, context, massing, siting, layout, height, size, scale, materials and detailed design features would in fact respect the prevailing character of the area.

5.17 Therefore, given the above information it is evident that the original character, rhythm and roofscape of dwellings in the area have been altered to a considerable degree and as a result planning decisions should be made having regard to this context. Given the changes that have already occurred on Grinstead Lane the works proposed at the

appeal site would be easily assimilated in the locality without compromising is character.

5.18 In summary, the proposal would comply with the aims of the NPPF and Adur Local Plan policy 15 which require high quality development that respects and enhances the character of the site and the prevailing character of the area.

Impact on the amenities of adjoining occupiers

5.19 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.20 Adur Local Plan policy 15 (Quality of the Built Environment and Public Realm) states that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

5.21 The proposed development due to its position and separation from neighbouring properties would not lead to a loss of outlook, sunlight or daylight.



Position and layout of neighbouring dwellings

5.22 Furthermore, proposed fenestration within the side facing dormers would be high level slit windows and, as such, would not lead to opportunities for overlooking and therefore, neighbouring privacy would be safeguarded.

5.23 In summary, the proposal would be a neighbourly form of development that complies with the aims of the NPPF and Local Plan policy 15 which collectively seek a high standard of amenity for existing and future users.

Further material considerations

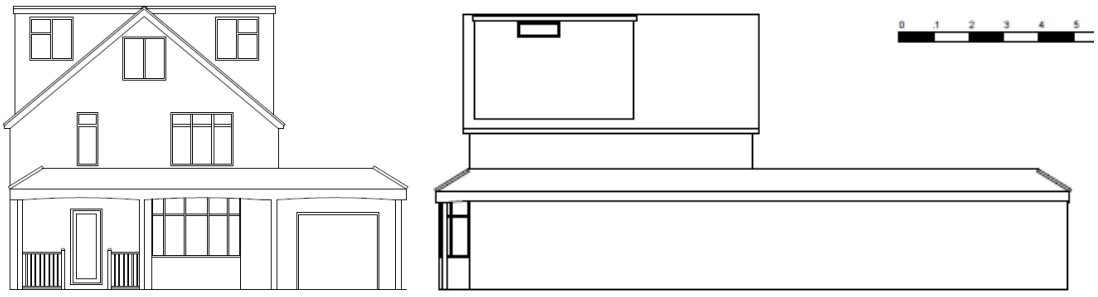
5.24 The appeal property is not located on article 2(3) land and there are no pre-existing conditions which remove permitted development rights. Therefore, the appellant puts forward that a very similar development could be achieved at the property through permitted development means.

5.25 The appellant considers that this fall-back position should be taken into consideration and offer significant weight in favour of the appeal proposal which would produce a high quality, proportionate development unlike a permitted development version which would fail to respect the scale and proportions of the existing property and would have a detrimental impact on the street scene as should the appeal be dismissed this would be the reluctant direction the appellant would pursue.

5.26 Whilst the appellant accepts the dormers would be reduced in length if utilising the permitted development option, they would nevertheless still be as visible within the street scene as the proposed appeal development and therefore, have a comparable impact on the character of the house and the wider area.

5.27 Furthermore, the appellant strongly asserts that the appeal scheme results in a more attractive and proportionate development that would complement the appearance of the host property and the established character of the area unlike two shorter dormers which would appear clumsy and unbalanced on the side roofslopes.

5.28 Attached in **Appendix A** are plans indicating the level of development which the appellant considers would be permitted development by virtue of Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, in order to demonstrate the appellant's viable fall-back position. As demonstrated in the following plan excerpts the development when viewed from the front or sides would not be significantly different to that currently proposed.



Fall-back permitted development scheme

5.29 In addition, the appellant considers it beneficial to also highlight other recent applications on Grinstead Lane which will further alter its character and appearance adding to the inconsistent designs and sizes of properties in the area. Although the

appellant acknowledges that this varied character does not indicate that inappropriate development is acceptable, however, appeal history has highlighted that decisions should be made taking account of context.

5.30 Application ref AWDM/1836/19 gained approval on 23rd December 2019 for the demolition of an existing bungalow and garage and construction of two storey, semi-detached pair of three bedroom houses at no. 10 Grinstead Lane which would clearly appear as a more prominent development in the street scene.



No. 10 Grinstead Lane to be replaced with a pair of two storey semi-detached dwellings

5.31 No. 69 Grinstead Lane has gained planning approval on 14th June 2019 following application ref AWDM/0376/19 for proposed roof alterations to include hip to gable to front elevation and extension to dormer on north side elevation.

5.32 Due to the position of no. 69 and the different building line of the neighbouring property the works at this dwelling would also be prominent within the street scene although were considered acceptable.



Works approved would alter front hip to gable and increase length of dormer on northern side elevation at no. 69 Grinstead Lane

5.33 No. 72 Grinstead Lane gained planning approval on 9th February 2018 under application ref AWDM/1898/17 for the addition of first floor with raised roof ridge, alterations and revised fenestration to create a 4 bed two storey dwelling. As shown below the following images highlight the extent of change allowed at no. 72 which would result in a property prominent within the street scene due to the neighbouring bungalow.



Pre-existing bungalow at no. 72 Grinstead Lane



Approved dwelling at no. 72 Grinstead Lane

5.34 There is a further site to the north of the Grinstead Lane where planning permission was granted on 20th May 2019 following application ref AWDM/0227/18 for the '*Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping*'.

5.35 Details regarding the above development are attached in **Appendix B** which highlight that the scheme proposed four large, contemporary homes comprising a pair of semi-detached and two detached dwellings of which the semi-detached houses encompass three floors and incorporate dormers in their design. Although the dormers are not directly comparable to the appeal proposal the proposed dwellings would clearly result in structures of a similar or larger scale to no. 33 Grinstead Lane.

5.36 The character and appearance of Grinstead Lane and the surrounding locality has clearly evolved over time which indicates that the proposed appeal development would represent an appropriate, visually pleasing addition that would, as previously stated, complement the character of the existing house and wider area.

6.0 CONCLUSION

6.1 The proposed works would clearly complement the existing and varied roofscape of Grinstead Lane as well as the character and appearance of the host property.

6.2 The proposed side roof extensions would therefore, by reason of their sympathetic scale, form, design and position represent appropriate and proportionate additions to

the dwelling that would respect the established character of the area enhancing local distinctiveness.

6.3 Furthermore, the appellant has demonstrated that he has a reluctant fall-back position by virtue of Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, which would allow a very similar but arguably more unsightly and clumsy development to be constructed without first requiring planning consent.

6.4 Thus, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework, policy 15 of the Adur Local Plan and the guidance within the adopted Development Management Standard No. 2 – Extensions and Alterations to Dwellings.

6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed rooms in roof with side dormers to south and north roofslopes and additional window at second floor level to front (west) elevation would not be contrary to national or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.