The Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2014

by Kenneth Stone Bsc(Hons) DipTP MRTPI

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

Decision date: 19 June 2014

Appeal Ref: APP/Y3805/A/14/2215996
3 Sandown Road, Southwick, West Sussex BN42 4HB

- 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 Dr Geraldine Vaughan against the decision of Adur District Council.
- The application Ref AWDM/1395/13, dated 1 November 2013, was refused by notice dated 10 December 2013.
- The development proposed is described as a 'single storey extension to outhouse in back garden of No 3 Sandown Road, Southwick. To use as a "Granny Annex" containing living room, bedroom, kitchen and shower room/toilet'.

Decision

1. The appeal is allowed and planning permission is granted for a 'single storey extension to outhouse in back garden of No 3 Sandown Road, Southwick. To use as a "Granny Annex" containing living room, bedroom, kitchen and shower room/toilet' at 3 Sandown Road, Southwick, West Sussex BN42 4HB in accordance with the terms of the application, Ref AWDM/1395/13, dated 1 November 2013, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. I have had regard to the Government's recently published Planning Practice Guidance (PPG) but its provisions have not materially affected my considerations in this case.

3. I note that the description of development used in the appeal form has changed from the original application form. The appellant has used the description of development from the Council's decision notice however it seems to me that the original description although somewhat wordy more accurately describes the development for which permission is sought. Whilst there is a degree of independence in the new building given the facilities and accommodation provided there would still remain a significant degree of functional interdependence on the host site such that it is difficult to describe the proposal as 'self contained'. In this regard I have used the original description of development in my decision above.

4. I note the appellant indicated their intention to submit a costs application with this appeal at the time of the submission of the appeal form. However, no

formal application for costs has been submitted setting out the basis for unreasonable behaviour and demonstrating whether unnecessary or wasted expense has been incurred. Accordingly it is not necessary for me to issue a separate costs decision.

Main Issues

5. The main issues in this appeal are the effect of the development on:
   (a) the character and appearance of the surrounding area; and
   (b) the living conditions of the occupiers of surrounding properties and in particular 1 Sandown Road, with regard to privacy and outlook.

Reasons

Character and Appearance

6. The appeal site is occupied by a detached two storey house fronting the north side of Sandown Road and which is flanked on either side by bungalows. The area is predominantly residential in character although there is a mix of housing styles and designs. The group of properties within which the appeal site is located have relatively short gardens and to the north they abut the side boundary of 33 Phoenix Way, (No 33) which is set approximately 2m higher. There is an existing pitched roof outbuilding within the appeal site which is presently used for domestic storage.

7. The proposed extension to the outbuilding would approximately double the size of the existing building by adding a wing to one side. However this is relatively discreetly located against the rear boundary where there is a significant change in level and stepped back from the front elevation. As such the scale of the proposed extension would not be readily visible to the occupants of No 33 or 5 Sandown Road (No 5) as the majority of its bulk and mass would be obscured by the existing buildings, surrounding fencing and level change. To the other side 1 Sandown Road (No 1) has a boundary formed by a brick wall and mature landscaping. Whilst I saw the site when the landscaping was in leaf I have seen photographs of it when not in leaf and the nature of the dense vegetation still affords a reasonable degree of screening.

8. From public locations on Sandown Road and the small spur off Phoenix Way, where No 33 is located, there are extremely limited views of the site. Whilst the existing outbuilding was identifiable with its higher ridge line the proposed extension would be less so with its lowered ridge line and recessed location. With no clear views of the site from the surrounding area and the limited visibility from the neighbouring properties the physical form of the proposed extension to the outbuilding would have little discernible impact on the character and appearance of the area. The use of appropriate materials to match the existing building would further assist in integrating the proposed structure with the outbuilding and in the surrounding area. This could be secured by condition.

9. The Council refer to the garden size in the context of the Council's DC standard for small detached dwellings and note it does not meet the required 85 sq m. The appellant disputes that the existing garden is below this figure. However, in the context of the impact on the character and appearance of the area I have considered the physical manifestations of the development and the relationship with the adjoining properties and am satisfied that there is no

harm. Many of the immediately surrounding properties have small gardens and the limited visibility of the proposal does not result in a visible impact on the surroundings. In this regard whilst I have taken note of the guideline, it is just that a guideline and is not a determinant in this decision.

10. For the reasons given above I conclude on this main issue that the proposed development would not materially harm the character and appearance of the surrounding area. Consequently it would not conflict with Policy AH2 of the Adur District Local Plan, April 1996 (LP) which seeks to secure development that is in keeping with the character and scale of the area paying particular attention to height, materials and layout of buildings and associated structures. This is consistent with the National Planning Policy Framework (the Framework) and in particular paragraphs 17, 56 and 60 which require high quality design that reflects local distinctiveness.

Living Conditions

11. The proposed extension would have no windows or openings in the flank or rear elevation and only incorporate a window and door on its southern elevation facing the rear elevation of the host property. With the nature of the boundary treatment with No 1 there would be little opportunity for direct inter-visibility between the two properties. The fact the windows are at ground floor and the nature of the boundary treatment would ensure that the privacy of the occupants of No 1 was not compromised.

12. The combination of the reduced ridge height and lower scale of the proposed extension in association with the separation distance to No 1 and the existing boundary treatment, including the mature landscaping, would ensure the building was not readily visible and thereby excessively dominant for the occupants of that property. The proposed extension would not therefore significantly intrude into or affect the outlook of the occupants of No 1.

13. The layout of the outbuilding and its relationship with the other adjoining properties namely No 33 and No 5 would ensure there was no significant impact on privacy or outlook.

14. The occupation of the extended outbuilding as an annex will very much depend on a functional relationship with the remainder of the curtilage of 3 Sandown Road (No 3). This would include the amenity space to the rear of the site and the car parking to the front of the site and there would obviously be comings and goings between the main house and the annex. However, the nature of the use is residential in character. The proposed development would facilitate the occupation of the outbuilding by relatives, but in any case it would be in conjunction with the main use of the house and would be an ancillary use. This matter can be secured by condition as is suggested by the appellant.

15. The additional activity that may be generated by the occupation of the unit, given its limited size and functional relationship, is unlikely to be significantly greater than an extended family occupying the main house. It simply affords a greater degree of semi-independent living. The smaller garden space would be more intensively used but with the separation, boundary treatment and nature of the proposed use this would not result in excessive noise and disturbance to the occupants of the surrounding properties and in particular No 1.

16. For the reasons given above I conclude on this main issue that the proposed development would not result in material harm to the living conditions of the occupiers of surrounding properties and in particular 1 Sandown Road, with regard to privacy and outlook. Consequently it would not conflict with policy AH2 which seeks to ensure development does not have an un-neighbourly effect on existing dwellings by reason of amongst other matters loss of privacy and outlook. This is consistent with the Framework and in particular paragraph 17, bullet point 4, which notes the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

17. Concern was expressed by a neighbour that the development may require their trees to be cut back. However, the proposed extension is within the boundaries of the curtilage of No 3 and does not overhang or abut the boundary. Any works to cut back the existing trees or bushes would be to remove vegetation that presently overhangs the boundary. The grant of planning permission would not imply any permission to carry out works to trees within the neighbouring garden.

Conditions and Conclusions

18. The Council have provided a list of suggested conditions and I have considered these in the light of the advice in the PPG and the wording of the suggested model conditions from Appendix A of Circular 11/95 The Use of Conditions in Planning Permissions, which remains extant. In addition to the standard time limit condition I will impose a condition specifying the application drawings as this is best practice and creates certainty for all parties, paragraph 21a-022 PPG.

19. A condition to require materials to match the outbuilding to which the extension is to be added is required in the interests of the character and appearance of the area. Given the close proximity of the extension to the boundary a condition limiting the insertion of windows or other openings in the east elevation is reasonable to protect the living conditions of the adjoining neighbour. Finally, a condition is required ensuring the accommodation provided is ancillary to the main property No 3 and is not to be used as a separate unit of accommodation.

20. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Schedule of Conditions

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 unnumbered plans date stamped received 8th November 2013 and entitled 'Extension to outbuilding in back garden of No. 3 Sandown Road, Southwick' including location Plan, Block Plan, site plan, floor plan and elevations and rear left elevation.

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the east side wall of the extended outbuilding.

5) The extended outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Sandown Road, Southwick.