APPEAL STATEMENT

APPLICATION AWDM/1691/23

1 CISSBURY AVENUE, WORTHING, WEST SUSSEX BN14 0DN

Pangolin Planning

Planning Appeal Statement

Application	AWDM/1691/23
Proposal	**Proposed first floor extension to north (rear) elevation, with 1no. high level clear glazed first floor window to existing west elevation and enlarged clear glazed first floor window to existing east elevation. Application to Vary Condition 4 of previously approved AWDM/1787/20. Amendment: Proposed composite cladding.**
Address	**1 Cissbury Avenue, Worthing, West Sussex BN14 0DN**
Appellant	**Mr Christopher Barber**
Consultant	**Pangolin Planning**
Date	**February 2024**

Purpose of report

This is a statement of case in relation to planning application reference **AWDM/1691/23**, at 1 Cissbury Avenue, Worthing, West Sussex BN14 0DN, which seeks to respond to the Council's reason for refusal.

Executive Summary

This statement describes the design approach, in addition to providing material supporting arguments and justifications, demonstrating that the appeal proposal is sound in all respects and concluding that in the absence of any public interest and demonstrable harm; we believe there are sufficient grounds to materially weigh in **support** of the proposal.

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1. CONTEXT

SITE LOCATION

1.1 The appeal site relates to a two-storey, detached dwelling, located to the northern side of Cissbury Avenue, to the east of the junction with Findon Road (A24) and west of the junction with Lime Tree Avenue.

1.2 The appeal site's position within the street is detailed below (*figure 1*).

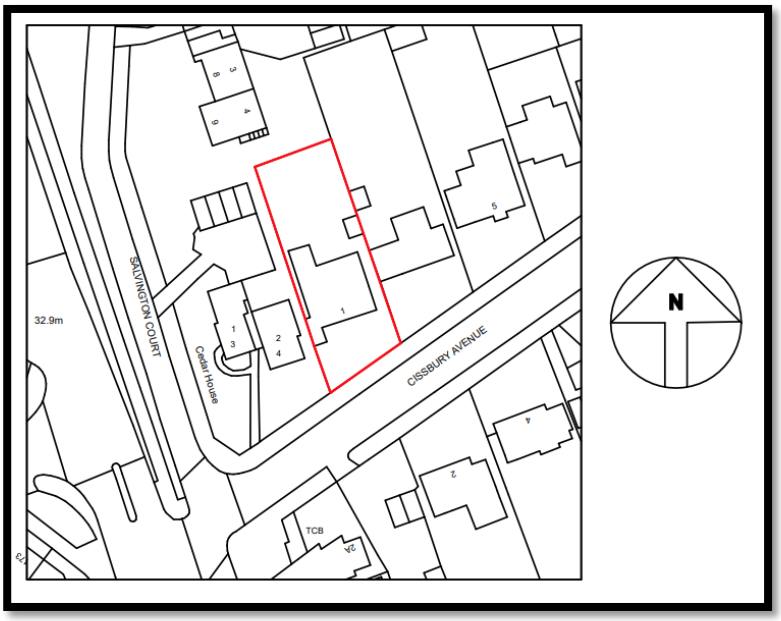

Figure 1: Location Plan

1.3 The appeal site is not a listed building, or a locally important building, nor is it within the setting of a designated heritage asset. Similarly, the appeal site is not situated within (or within the setting of) a conservation area, national landscape or national park.

1.4 The appeal site was constructed circa 1920-1930s; and, as is typical of many properties built around this time, features a mock Tudor design (black timber detail and white render) to the upper elevations, with brown brick to the lower elevations (*figure 2*). As detailed in the Officer's Delegated Report, the appeal site has undergone a number of alterations, including extensive side/rear ground floor extensions (all carried out under permitted development). As noted in the Officer's Delegated Report: '*The building is set back from the road behind a wall and fencing and paved driveway with garage to the side.*'



Figure 2: Principal elevation of 1 Cissbury Avenue

1.5 Other improvement and maintenance works carried out over the passage of time, include, the installation of white UPVC/grey aluminium windows and doors, removal of the original front boundary wall and construction of a new front boundary wall, together with the provision of hardstanding to the front of the house. In addition, a number of contemporary outbuildings (together with modern grey boundary fencing) have been erected in the rear garden of the appeal site.

1.6 Whilst it is acknowledged the principal and side elevations are finished in a mock Tudor style, the rear (north) of the property (including amenity area) is more ***contemporary*** in appearance, as detailed in *figures 3 and 4* below.



Figure 3: Rear elevation of 1 Cissbury Avenue



Figure 4: Rear garden (facing north) of 1 Cissbury Avenue

1.7 As existing the appeal site, comprises a mix of smooth white render, with black timber detailing to the upper elevations (in a mock Tudor style) and brown brick to the lower half, finished with a brown tiled roof. The window frames and doors are finished in white UPVC to the principal and side elevations, and grey aluminium to the rear. The rear outbuildings are finished in grey render with grey aluminium window and door frames (*figures 2, 3 and 4*).

URBAN FORM, CHARACTER AND DESIGN OF THE AREA

1.8 The surrounding area is characterised by a varied mix of residential properties, including traditional and modernised detached, two-storey houses and bungalows.

1.9 The immediate area is undoubtedly defined by a mix of early to mid, 20th Century suburban dwellings (with a commercial element located on Findon Road), where the addition of residential alterations and extensions to modernise and maintain these aging properties is a necessary and ubiquitous feature. This is true at both a local and national level.

1.10 It is noted that the Council, when assessing the original planning application (AWDM/1787/20 refers) to which this appeal proposal relates, found that: '*The surrounding area is predominantly residential and characterised by large detached dwellings of a* ***mixed character and appearance*** *(many of which have been substantially extended).'* [our emphasis]. This is agreed, as evidenced below.

1.11 This is demonstrated by the images below, all of which identify properties on or within the immediate area of Cissbury Avenue and the appeal site (*figures 5, 6 and 7*). The diversity of style and form is noted, as is the variation in materials.



Figure 5: Nos. 5 and 7 Cissbury Avenue (note the juxtaposition between property type, style and appearance)



Figure 6: Cedar House, Cissbury Avenue (example of a later flatted development – note the use of cladding to the principal elevation and the contrast with the appeal site to the far right)



Figure 7: Kings Parade, at the junction with Cissbury Avenue and Findon Road (note contrast in character of area from residential to commercial)

1.12 We **do not agree** with the Council that the '*the introduction of composite cladding would be entirely out of keeping with the surrounding street scene.*' Or that '*the use of composite cladding in this location would dilute and detract from the traditional character of the street scene having a significant and harmful impact on the visual amenities of the locality.*'

1.13 The Inspector will of course conduct their own site visit and come to their own conclusions. However, as demonstrated in this appeal statement, whilst it is acknowledged there are five properties finished in a mock Tudor style, there are other nearby properties which are not mock Tudor in character. As outlined above, there are bungalows, flatted development, commercial development together with modernised and contemporary properties. The properties comprise a range of materials (including cladding), which enhances and adds variation to the streetscene. Similarly, over the passage of time the majority of these properties have been extended or altered to enhance or maintain the property (*figures 5, 6 and 7*).

1.14 The varying design, styles and materials, ranging from brick, render, tile, UPVC, timber and cladding are clearly evidenced above (*figures 5, 6 and 7*).

UNIFORMITY AND NON-UNIFORMITY OF STREETS

1.15 There are also various examples of dwellings hosting an array of materials on the neighbouring streets, which break-up the dominance and uniformity of the

streetscene (figures 8, 9, 10, 11, 13, 14, 15, 16 and 17). Variation and non-uniformity are characteristic of the local area.



Figure 8: 185-187 Findon Road (note the contemporary appearance)



Figure 9: 264 Findon Road (note the use of black composite slatted cladding to the front porch)



Figure 10: 3 Coombe Rise (AWDM/0544/20 and AWDM/1136/20 refer – note contemporary finish and use of different materials)



Figure 11: 1 Coombe Rise (note grey cladding to principal elevation)



Figure 12: 29 Shepherds Mead (AWDM/0871/17 refers – note the contemporary finish and use of cladding)



Figure 13: 79 Hollingbury Gardens (AWDM/1422/22 and AWDM/0532/23 refer – note the contemporary finish and installation of larch cladding)



Figure 14: 39 Central Avenue (AWDM/0171/19 refers – note the variation in streetscene and contemporary finish with larch cladding to the principal elevation)



Figure 15: 258 Findon Road (note use of grey cladding)



Figure 16: 2 Hollingbury Gardens (note use of grey cladding)



Figure 17: 2 Shepherds Mead (AWDM/0462/20 note use of slatted timber cladding to the principal elevation)

1.16 Above are some examples of the varying styles. Attention is drawn to how the styles juxtapose, often from dwelling to dwelling. We would also like to draw the Inspector's attention to further examples of cladding in the surrounding area, all of which can be observed from the public realm.

1.17 With regard to 79 Hollingbury Gardens (which is a short 9 minute walk from the appeal site), it is noted the Council granted planning permission for the larch cladding on this property (AWDM/0532/23 refers).

1.18 In the case of 79 Hollingbury Gardens (AWDM/0532/23), the Officer's Delegated Report found: '*Larch cladding at roof level has been used on a property in Central Avenue, to the north and to the small front dormer on Cissbury Gardens. It would be an untypical material in Hollingbury Gardens itself but this area is changing all the time and has a varied vernacular and mixed pallet of materials. The use of larch to clad the dormers is therefore acceptable…*'

1.19 With regard to 39 Central Avenue (which is a short 7 minute walk from the appeal site), it is noted the Council granted planning permission for the contemporary appearance and the timber cladding under AWDM/0171/19.

1.20 In the case of 39 Central Avenue (AWDM/0171/19), the Officer's Delegated Report found: '*The streetscene comprises a mix of two storey dwellings and single storey bungalows with a variety of design and with variation to external materials and design details. The extensions as approved appeal, overall, as a more contemporary addition to the streetscene and with a combination of painted render, vertical timber cladding, dark grey windows and surrounds, and grey plain roof tiles. The use of vertical timber cladding is not a feature of the locality with materials generally comprising of brick, traditional tile hanging, and render but with variety to type and colouring…given the variety of materials in the surrounding streetscene, and in light of no objections to the current application, it is considered that no substantial harm is caused by the materials as existing and so a refusal on visual grounds would not be justified in this instance.*'

1.21 With regard to 3 Coombe Rise (which is a short 6 minute walk from the appeal site), it is noted the Council granted planning permission for the new materials and contemporary appearance under AWDM/0544/20 and AWDM/1136/20.

1.22 In the case of 3 Coombe Rise (AWDM/0544/20), the Officer's Delegated Report found: '*The proposed change in materials would create a more modern, contemporary feel to the property as a whole and would replicate the materials and finishes of other properties in the locality*.'

1.23 With regard to 29 Shepherds Mead (which is a short 10 minute walk from the appeal site and within the setting of the South Downs National Park), it is noted the Council granted planning permission for the contemporary finish under AWDM/0871/17.

1.24 In the case of 29 Shepherds Mead (AWDM/0871/17), the Officer's Delegated Report found: '*The works are substantial but viewed from the street are limited to the front extensions and alterations. They do not significantly change the scale or form of the bungalow or breach the building line…The contemporary style adopted for the*

makeover and enlargements is crisp and clean and of a high standard. The architectural design does contrast with the neighbouring bungalows but adds to rather than detracts from the interest and quality of the building and townscape…the setting of the National Park is not harmed.'

1.25 With regard to 2 Shepherds Mead (which is a short 9 minute walk away from the appeal site and within the setting of the South Downs National Park), it is noted the Council granted planning permission for the slatted timber cladding under AWDM/0462/20.

1.26 In the case of 2 Shepherds Mead (AWDM/0462/20), the Officer's Delegated Report found: '*The proposals represent an upgrading to the property and are considered acceptable.'*

1.27 Important parallels and conclusions to draw from the above are:

- These are recent decisions dating from 2017-2023.
- The Council accept the area is changing all the time and has a varied vernacular and mixed pallet of materials.
- Cladding is acceptable to principal elevations and when highly visible/prominent from the streetscene.
- Given the variety of materials in the surrounding streetscene it is considered cladding would be acceptable.
- Given the proposal received no objections it is considered a contemporary finish (including cladding) would be acceptable.
- No substantial harm is caused by the materials (contemporary materials, including cladding) and so a refusal on visual grounds would not be justified.
- Cladding within the setting of the South Downs National Park is acceptable.
- A contemporary style can contrast with neighbouring properties and add to rather than detract from the interests and quality of the building and townscape (including setting of the National Park).
- A contemporary appearance (including cladding) can represent an upgrading to the property.

1.28 With regard to the above, the Inspector is respectfully requested to give weight to these ***material considerations***, when considering the appeal at hand.

1.29 There are also various examples of what appears to be later additions and alterations to dwellings which will more than likely have been built under Permitted Development. This point will be expanded on below, in the assessment (**Section 3**) of the appeal statement.

1.30 Turning to Cissbury Avenue, although some forms of development may be more numerous, there is not an overall amalgamating or cohesive characteristic, other than the fact they are of 20th Century construction and suburban in nature.

2. APPEAL PROPOSAL

APPEAL PROPOSAL

2.1 The appeal proposal is for the application of composite slatted cladding (charcoal in colour as detailed in *figure 12*) to all facing elevations of the permitted first floor extension. The submitted plans (*figure 13*) detail the application of cladding to the rear (north elevation) and the sides (east and west) at first floor level. It is noted the cladding would ***only*** be applied to the permitted ***rear first floor extension***. The majority of the property would remain 'unclad' as existing. This was a conscious decision by the appellant, who wishes to keep the principal elevation as existing.

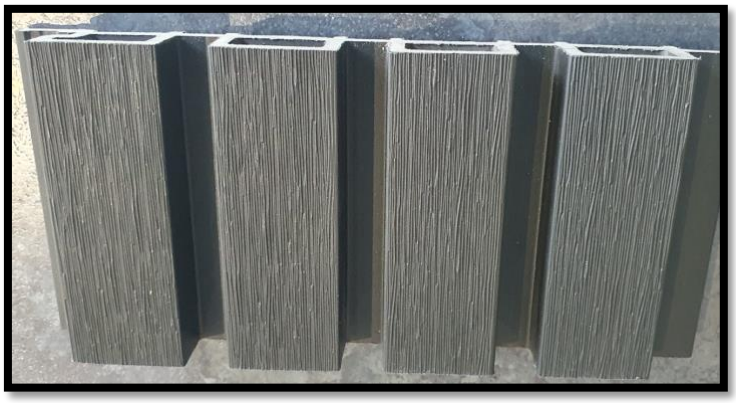

Figure 12: Proposed cladding (https://www.cladcodecking.co.uk/2-5m-composite-slatted-wall-cladding-panels)

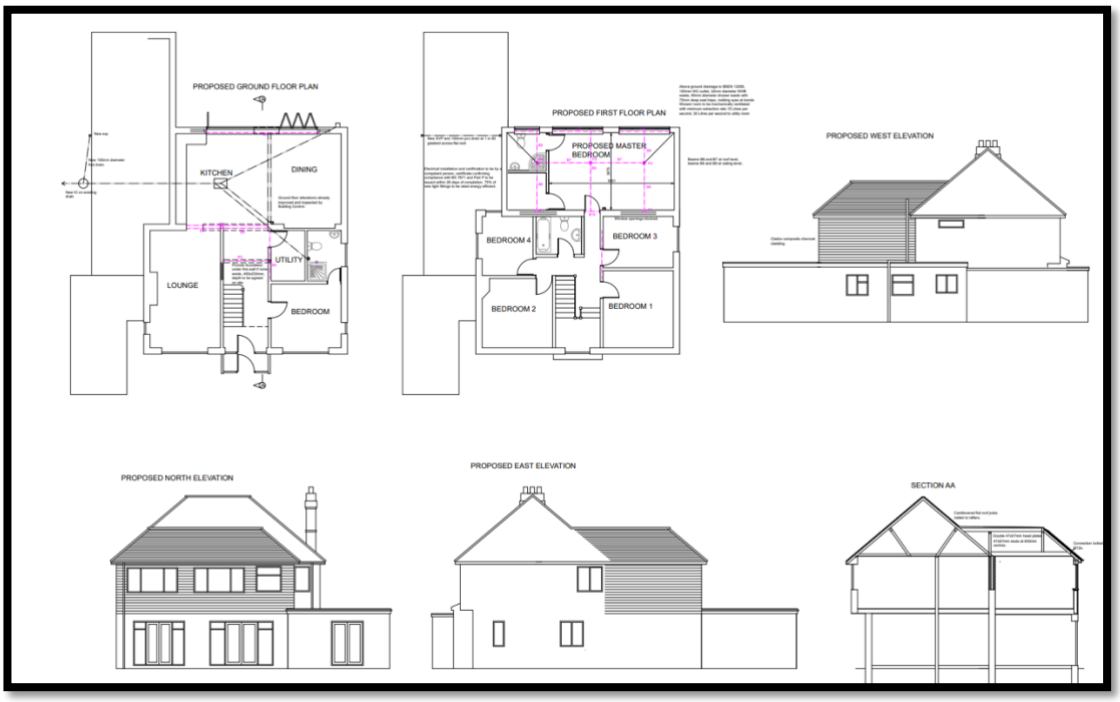

Figure 13: Proposed Elevations

NEED AND JUSTIFICATION

2.2 The appeal proposal, is born out of the appellant's need to best maintain their family home, and to do this in the most ***sustainable***, ***visually enhancing*** and ***cost effective*** manner. As stated above, the appeal property was constructed between the 1920-1930s and has already undergone various alterations and extensions. The present situation sees the rear (north) elevation including the rear amenity space adopt a more contemporary appearance, characterised, by later additions, finished in grey aluminium window and door frames, together with modern outbuildings within the rear garden (*figures 3 and 4*).

2.3 The preference for cladding is largely three-fold. The first, is that due to the first floor extension being of a timber frame construction, the appellant would need to fit render boards and then apply render. In the appellant's experience (as a builder), this method would require regular maintenance due to cracking and weathering (i.e. it would need regular crack filling and painting).

2.4 Secondly, the use of cladding would bring sustainable and economic benefits. For example, cladding is maintenance free and easy to install. Furthermore, the use of cladding would increase the thermal efficiency of the family home; and in light of the above, is more cost effective over the lifetime of the dwelling (which in this economic climate is an important consideration for the average homeowner).

2.5 Thirdly, the use of cladding would improve and enhance the visual appearance of the property, and would 'tie-in' with the contemporary appearance achieved to the rear of the family home.

2.6 Although the charcoal composite slatted cladding (*figure 12*) would be the appellant's preferred specification and colour option, should the Inspector see necessary the appellant is willing to accept a condition restricting the cladding to weatherboard cladding (with cedar effect) in black or white (*figure 14*).



Figure 14: Proposed cladding (www.jameshardie.co.uk/en/cladding/hardieplank)

2.7 The refused application (AWDM/1691/23) sought to vary Condition 4 of the previously approved planning permission AWDM/1787/20 to allow composite cladding. In assisting the Inspector (in the event the Inspector is minded to allow the appeal), we have taken the opportunity to suggest how the approved planning permission AWDM/1787/20 could be varied:

PLANS CONDITION

1) The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice: Location Plan (20/66/4), Block Plan (20/66/3), Existing and Proposed Plans & Elevations **(20/66/2A)**.

Reason: For the avoidance of doubt and in the proper interests of planning.

TIME CONDITION

2) N/A – The development has already commenced.

WINDOWS

3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that order with or within modification), no windows or other openings shall be formed in the side walls of the extension hereby permitted.

   Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.

MATERIALS

Condition 4 could be deleted as the amended plans condition (Condition 2) has been altered to reflect the change in materials. Condition 2 could also be further amended to refer to the exact specification/colour of the cladding as indicated by the submitted 'composite cladding details.'

Alternatively, the Inspector could choose to vary Condition 4 to secure an alternative type of cladding (e.g. the weatherboard cladding with cedar effect finish as detailed in *figure 14* above).

3. ASSESSMENT

REASON FOR REFUSAL

3.1 '*The proposed variation of Condition 4 to allow the use of composite cladding, would result in a visually prominent and intrusive development that fails to respect or enhance the prevailing character of the site or the local environment, or to make a positive contribution to the traditional character and distinctiveness of the area. The introduction of this material would result in disruption to the visual cohesion of the area and would appear entirely out of keeping with the surrounding street scene and more specifically this group of buildings. The proposal would dilute and detract from the traditional character of the street scene having a significant and harmful impact on the visual amenities of the locality. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the revised National Planning Policy Framework.'*

ASSESSMENT

3.2 With regard to the Council's sole reason for refusal on **design grounds**, it is agreed ground with the Council that the **principle** to alter residential properties located within the built up area is **supported**. It is also agreed ground that there would be no harm to residential amenity, due to the nature of the works. It is also noted that the proposal received **no letters of objection**. We believe this should be weighed into the overall consideration of the planning balance.

3.3 The sole issue is whether or not the use of composite cladding would '*respect and enhance the prevailing character of the area*' as identified by Policy DM5 of the Worthing Local Plan 2023, the Council's SPG Extending or Altering Your Home and the Policies of the NPPF.

POLICY DM5 OF THE WORTHING LOCAL PLAN 2023

3.4 Policy DM5 of the Worthing Local Plan is a comprehensive design policy, and as such, not all the listed criteria are relevant to the appeal at hand. It is considered the key criteria which go to the heart of this planning appeal are: **DM5 a) i), ii), iii), iv) C) and d).**

3.5 With regard to the reason for refusal, it is stated that '*to allow the use of composite cladding would result in a visually prominent and intrusive development*' and that '*…the introduction of this material would result in a disruption to the visual cohesion of the area and would appear entirely out of keeping with the surrounding street scene and more specifically this group of buildings. The proposal would dilute and detract*

from the traditional character of the street scene having a significant and harmful impact on the visual amenities of the locality.'

3.6 We **do not agree** with the above for the reasons set out below. First, as established in **Section 1**, the appeal site is not a listed building, or a locally important building, nor is it within the setting of a designated heritage asset. Similarly, the appeal site is not situated within (or within the setting of) a conservation area, national landscape or national park. Furthermore, as demonstrated in **Section 1** of this appeal statement, whilst it is acknowledged there are five properties finished in a mock Tudor style, there are other nearby properties which are not mock Tudor in appearance, and as was previously found by the Council, when assessing the original planning application (AWDM/1787/20) to which this appeal proposal relates: '*The surrounding area is predominantly residential and characterised by large detached dwellings of a* ***mixed character and appearance*** *(many of which have been substantially extended).*' [our emphasis]. This has been firmly evidenced above in **Section 1**.

3.7 Secondly, when assessing the original planning application (AWDM/1787/20), to which this appeal proposal relates, the Council found: '*The proposed development is to the* ***rear of the application property*** *and whilst it* ***may be visible from Cissbury Avenue through the gaps between properties****, it would* ***not form a prominent feature in the street scene****. As such, the proposal is* ***not considered to be significantly harmful to the visual amenity of the surrounding area****…whilst the proposed roof form, with large flat roof area and hipped sides, would appear somewhat bulky; given that the proposal is to the* ***rear of the application property*** *it is* ***not considered to be significantly harmful to the character of the host dwelling to merit the refusal*** *of this application* [our emphasis]'. As such, it is our shared view that the proposal to apply cladding would not result in a '*visually prominent and intrusive development*' nor would it result in '*disruption to the visual cohesion of the area,*' due to the position of the cladding to the rear of the property.

3.8 Thirdly, as demonstrated by this appeal statement, contemporary design (including cladding) is a common feature within the immediate streetscene and the wider area (*figures 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17*). Therefore, the proposal ***would not*** '*fail to respect of enhance the prevailing character of the site or the local environment, or to make a positive contribution to the traditional character and distinctiveness of the area,*' nor would it be '*entirely out of keeping with the surrounding street scene.*' Instead, we believe, given the position of the cladding to the rear of the dwelling, the proposal would be sympathetic and respectful, to the prevailing character of the appeal site, the streetscene and the character of the area, which as evidenced in **Section 1** comprises a varied mix of properties comprising a range of materials (including cladding). Again, it is also pointed out that the rear of the appeal site has a contrasting appearance to the principal elevation, therefore the use

of composite cladding would be in-keeping with the contemporary appearance achieved to the rear of the dwelling.

3.9 With regard to the '*siting'* of the cladding, a conscious decision has been made by the appellant to only install cladding to the external walls of the rear first floor extension. The principal elevation and the majority of the side elevations would remain 'unclad', in order to further minimise the impact (*figure 13 above*). Furthermore, as stated above (***Section 1***), the Officer's Delegated Report acknowledged that: '*The building is set back from the road behind a wall and fencing and paved driveway with garage to the side.*' Given the appeal site's set back position from the road, behind a wall and fencing, it is considered the appeal proposal would not be over prominent or intrusive from the streetscene, nor would it dilute or detract from the character of the streetscene.

3.10 Given the cladding would only be applied to the rear first floor extension, the cladding would only be partially glimpsed from long, oblique views, through vegetation, intervening properties and rear gardens, from Findon Road. Which would in reality be read as part of the streetscene, and in-keeping with a typical suburban neighbourhood. From Cissbury Avenue, the cladding would only be visible from short/localised views, when approaching from the east or west. Given the cladding would only be applied to the first floor extension, the cladding would be sited towards the rear of the side elevations, with the majority of the side elevations left 'unclad'. As such it is considered the appeal proposal would not be overly '*visually intrusive*' and would instead respect the prevailing character of the appeal site, the streetscene and the local environment.

3.11 In light of the above assessment, it is not considered that the application of composite cladding would be so significantly detrimental to the character of the appeal site, the streetscene or the character of the local area, so as to warrant a refusal on this basis.

3.12 This appeal statement has demonstrated that the appeal proposal would be in accordance with the relevant criteria of Policy DM5 of the Worthing Local Plan 2023.

SPG EXTENDING OR ALTERING YOUR HOME

3.13 With regard to the above document which was also reference in the Council's sole reason for refusal, it is noted that the above is ***guidance*** and does not seek to impose detailed design controls, but instead gives general advice and sets out a number of design principles. As such, it is considered a balanced approach should be taken.

3.14 The SPG states '*The facing materials of any extension should ideally match those used for the existing house. If identical materials are not available, the nearest possible alternative should be used. When selecting materials, you should ensure that they match the originals, in size, shape and texture.*'

3.15 With regard to the above, whilst acknowledging this is guidance, the SPG makes clear materials should '*ideally*' match. In this instance, it has been demonstrated that the cladding would only be applied to the rear first floor extension and, as such, would not be overly '*visually intrusive*' and would instead respect the prevailing character of the appeal site, the streetscene and the local environment. Furthermore, as stated above the appellant is willing to accept a condition to restrict the cladding to weatherboard (with cedar effect), as shown in *figure 14*, should the Inspector find necessary.

3.16 This appeal statement has therefore demonstrated that the appeal proposal would be in accordance with the relevant section of the SPG Extending or Altering Your Home (1998).

NATIONAL PLANNING POLICY FRAMEWORK (DECEMBER 2023)

3.17 The Officer's Delegated Report or the Decision Notice contained **no reference** to any particular paragraph within the National Planning Policy Framework (NPPF, December 2023). However, the Officer's Delegated Report does list Local Plan Policy SP1, which relates to the presumption in favour of sustainable development.

3.18 Government planning policy comprises the NPPF and related policy guidance in the Planning Practice Guidance (PPG). Paragraph 11 of the Framework states that plans and decision should apply a presumption in favour of sustainable development, and for decision-taking this means: '*approving development proposals that accord with an up-to-date development plan without delay…*'

3.19 Paragraph 135 of the NPPF is also an important material consideration in this appeal. Para 135 states that decisions should ensure, *inter alia* that developments; '*function well and add to the overall quality of the area; are visually attractive; and, are sympathetic to local character and history, including the surrounding built environment…*'

3.20 For the reasons outlined above, it is considered that the proposal is in accordance with both local and national development plans.

SUSTAINABILITY

3.21 Although not acknowledged in the Council's Delegated Report, the appeal proposal also finds support in the sustainable policies of the Worthing Local Plan 2023 and is considered to be supported more widely in the context of the Council pursuing its Climate Change Emergency Action Plan. This is underpinned at a national level *inter alia* government policy in the NPPF (Section 14) and the UK's goal to be carbon neutral by 2050. On the international stage the UN Climate Change conference (Glasgow COP26) set robust targets for world nations to reduce even further and more quickly their caron emissions.

3.22 With regard to the above it is widely acknowledged, that the use of composite cladding has many **economic**, **environmental**, **aesthetic** and **sustainable** advantages. They key advantage which appeals to the appellant in this instance, is that the composite cladding product they wish to install will better resist wet and freezing conditions (i.e. easier and cheaper to maintain long term).

3.23 In addition, to the above the cladding product, is fire resistant and has recognised sustainable credentials (e.g. increased thermal insulation, which would improve the energy efficiency of the family home). Other benefits are its durability and cost point (which in this economic climate is essential to the average homeowner). Furthermore, the cladding is contemporary in appearance and would 'tie-in' with the modern finish achieved to the rear of the dwelling. As noted above, the appellant would be willing to accept a condition limiting the cladding to weatherboard (with cedar effect).

3.24 In light of the above, it is considered that the appeal proposal would be in-keeping and respectful of the local character and would be a sustainable and energy efficient design solution, which we believe should be given **significant** weight. For the reasons set out above, the proposal is considered to be acceptable in all other respects and would accord with local and national development plans.

PERMITTED DEVELOPMENT 'FALL BACK' POSITION

3.25 Although not acknowledged in the Officer's Delegated Report, it is our view that there is a realistic '**fall back**' position (i.e. that the appeal proposal could be carried out under permitted development).

3.26 Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") (as amended). Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

3.27 As stated above (**Section 1**), the application is not within Article 2(3) land and benefits from householder permitted development rights.

3.28 Class A of Part 1 Schedule 2 of the Order, details enlargement, improvement and alteration to a single dwellinghouse. Under Class A, Condition A.3(a) it states: '*(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.'*

3.29 The Householder Technical Guidance adds clarification on this condition and states: '*The condition above is intended to ensure that any works to enlarge, alter or improve*

a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of a similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.'

3.30 It is our view that, these works could be carried out under permitted development (i.e. without the need for planning permission). This is because; if the Inspector found it necessary to restrict the cladding to 'weatherboard' (*figure 14*), it could be argued the black, cedar effect cladding is similar in appearance to the existing black timber already in situ on the appeal site. The Inspector is respectfully asked to acknowledge this '**fall back'** position when assessing the appeal proposal.

3.31 Notwithstanding the issue that planning permission may or may not be required for the appeal proposal, as has been demonstrated above, it is our view that the alterations to improve 1 Cissbury Avenue, would result in an appearance that minimises visual impact and is sympathetic to existing development. Crucially, the Householder Technical Guidance, acknowledges that the materials should be of a ***similar visual appearance*** to those used in the existing house, but this does not mean that they need to be the same materials.

4. CONCLUSION

4.1 Summarising, this appeal statement has demonstrated that the appeal proposal would relate well to the appeal site and the character of the area, allowing the family to protect, maintain and improve their home, without detriment (visual or otherwise) to the immediate locality and streetscene.

4.2 This appeal statement has demonstrated compliance with local and national plan policies and established that there would be no harm arising from the appeal proposal. Notwithstanding, our viewpoint, we do not agree that the Council's alleged harm would in itself justify a reason for refusal and this has been firmly evidenced throughout this appeal statement.

4.3 The alleged impact should be balanced against the positive and sustainable attributes of the development which are considered respectful of the streetscene, in-keeping with the character of the local area and appropriate to this residential location.

4.4 With the exception of the alleged visual prominence, no other amenity impacts have been identified by the Council.

4.5 In summary, we would ask the Inspector considers the following:

- The proposal has been sensitively designed.
- There is a genuine need for this proposal which has been justified.
- The proposal is a cost effective solution to an identified issue.
- It provides a sustainable development that would comply with relevant amenity and building regulation standards.
- There was no public opposition to the proposal.
- There was no public interest in refusing the application.
- The scheme would contribute to improved housing stock.
- The proposal has been designed with respect to the host building and would not harm the visual amenity of the area.
- A contemporary but sensitive design style would be achieved.
- There is a realistic 'fall back' position which should be given significant weight.

4.6 In conclusion, the proposal presents clear planning merits that should be recognised and given positive weigh. When balanced against all other material considerations, the cumulative, positive benefit of the appeal proposal is of a sufficient level to confidently justify a positive decision, even if it were alleged there was some level of harm (which for the avoidance of doubt we do not agree there would be).

4.7 Any alleged harm is clearly outweighed by the provision of a scheme that represents sustainable development and will meet the needs of the appellant. For the aforementioned reasons, we respectfully request the **appeal is allowed**.