RODWAY PLANNING
CONSULTANCY LIMITED

HOUSEHOLDER APPEAL STATEMENT

IN RELATION TO:

'PROPOSED REAR EXTENSION WITH LOWER GROUND FLOOR ACCOMODATION. ALTERATIONS TO EXISTING REAR DORMER WINDOW AND NEW FRONT ROOF LIGHT'

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45 HERBERT ROAD, SOMPTING, LANCING, WEST SUSSEX, BN15 0JT

LOCAL PLANNING AUTHORITY REF: AWDM/0765/19/

NOVEMBER 2019

293 UPPER SHOREHAM ROAD, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5QA
T +44 (0)1273 780 463 / INFO@RODWAYPLANNING.CO.UK / RODWAYPLANNING.CO.UK
COMPANY NUMBER: 10353422 VAT REGISTRATION NO: 217 9600 05

RTPI Chartered Town Planner

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1. INTRODUCTION

1.1 This Householder Appeal is submitted following the decision of the Local Planning Authority (Adur District Council [ADC]) to refuse planning permission for *'proposed rear extension with lower ground floor accommodation. Alterations to existing rear dormer window and new front roof light'.*

1.2 The appeal site is located at 45 Herbert Road, Sompting, Lancing, West Sussex, BN15 0JT.

1.3 The planning application was submitted to ADC by Mr. Alex Page of ACPlans (Planning Agent) on behalf of Mr. Jonathan Pavey (The Appellant). The application was received on 9th May 2019 and formally validated by the LPA on 20th May 2019. It was submitted with a full package of plans, which included a Location Plan, Block Plan, Existing Plans and Elevations and Proposed Plans and Elevations.

1.4 According to the LPA's online file, **NO LETTERS OF REPRESENTATION** were received in relation to the planning proposal from neighbouring residents.

1.5 **No Comments** were received from the Parish Council.

1.6 The South Downs National Park Authority were consulted in their capacity as a neighbouring Authority. They provided **No Comment** in relation to the proposals.

1.7 The planning application was dealt with under the LPA's delegated powers and refused planning permission via decision notice dated Wednesday 14th August 2019. The Council cited 1 No. reason for refusal, as follows:-

"1. The proposal represents a large and bulky feature which does not relate sympathetically in design, form and scale with the existing building. It is detrimental

to the character and appearance of the building and the residential amenities of the occupiers of the adjacent property, therefore conflicting with the policy 15 of the Adur Local Plan".

1.8 This Statement accompanies a notice of Appeal being lodged against that decision.

2. THE APPEAL PROPOSAL

2.1 The appeal property comprises a 3 bedroom, semi-detached dwelling positioned to the west side of Herbert Road in north Sompting. It was originally a bungalow, which has been extended with a loft conversion with front and rear dormers and a rear flat roof extension.

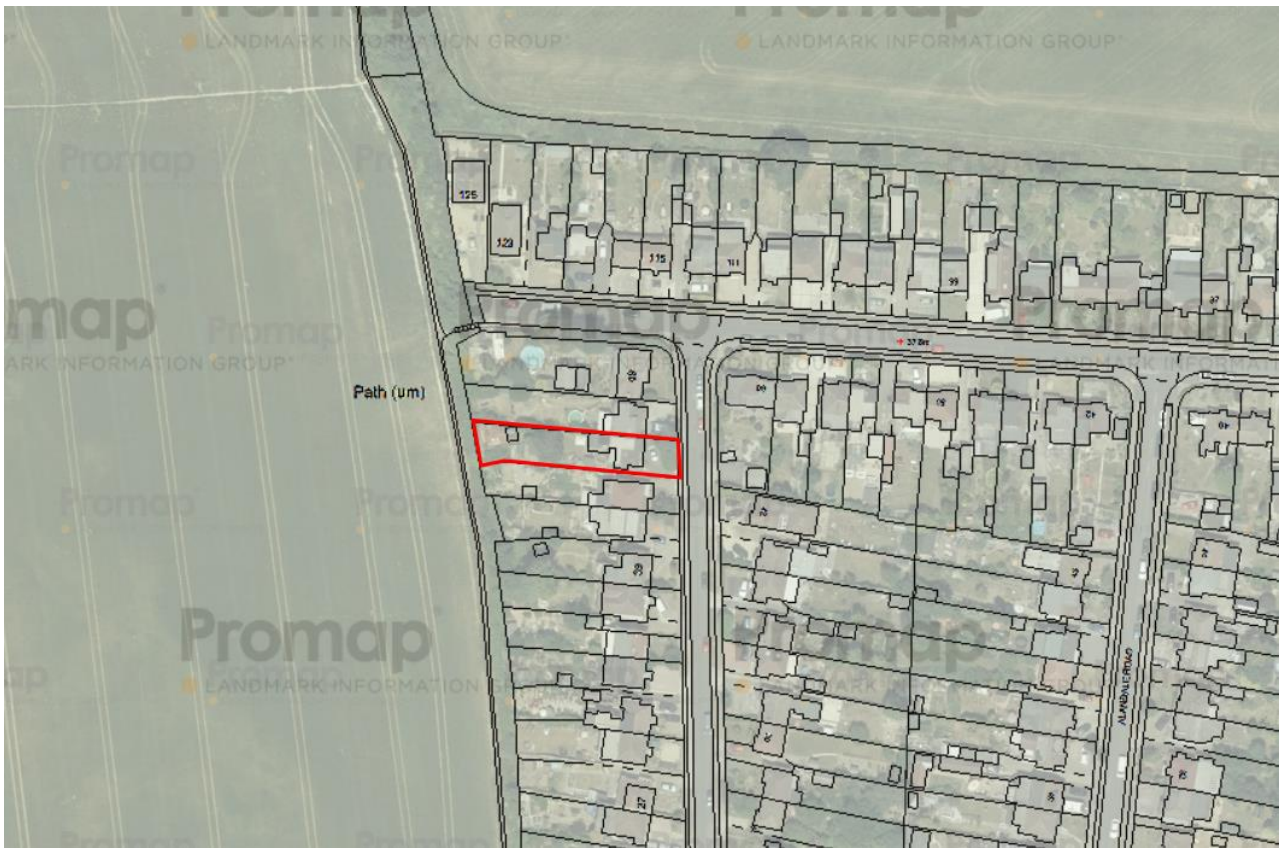

Fig 1. Aerial image showing the site and its surroundings (*courtesy of Promap*)

2.2 The property is positioned adjacent to Herbert Road and adjoins a pair of semi-detached properties to the south side. The site adjoins open countryside to the rear west side.

2.3 Ground levels increase from north to south, with levels also dropping directly to the rear of the appeal property.

2.4 Bungalows both along Herbert Road and within the surrounding area have been altered and extended with similar additions to the appeal property.

2.5 This Householder Appeal seeks planning permission to extend the rear of the bungalow to include lower ground floor accommodation with vaulted ceiling above. The proposed infill extension would incorporate the existing rear extension and would be of a flat roof design with rooflights. Also proposed are changes to the roof with the glazing in the rear dormer being extended (refer to **Fig 2** and **3**). The only alterations to the front elevation would be the addition of a modest sized rooflight to the roof slope and the addition of a front door.



Fig 2. Existing rear (west) and side (south) elevation

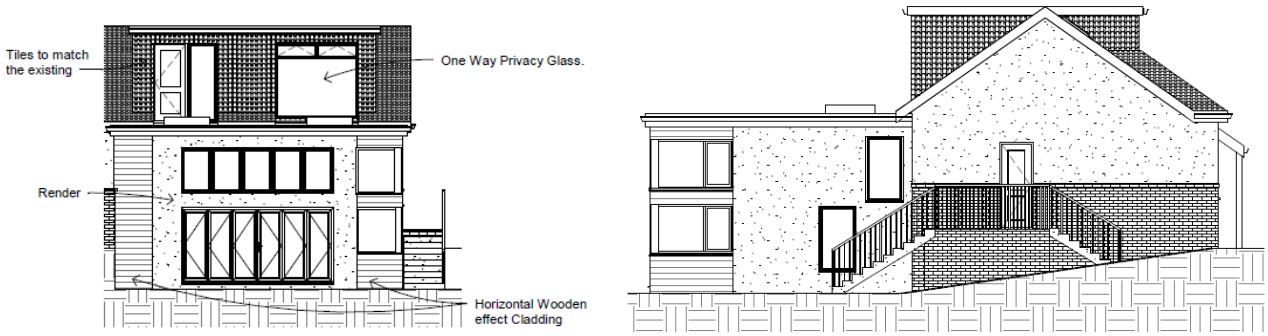

Fig 3. Proposed rear (west) and side (south) elevation

2.6 All materials are proposed to match that existing. Our client would be happy for this to be conditioned accordingly.

3. PLANNING POLICY CONTEXT

a. National Planning Policy

(i) National Planning Policy Framework

3.1 The National Planning Policy Framework (NPPF) was originally published in 2012, with a revised version published in July 2018. A further updated version of the NPPF was published in February 2019, comprising only minor alterations to the 2018 publication.

3.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *"at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are *"three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)".* These objectives are economic, social and environmental, which *"should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"* (paragraph 9).

3.4 Paragraph 11 is an important element of the NPPF. It states that: *"Plans and decisions should apply a presumption in favour of sustainable development… 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".

3.5 Paragraph 12 confirms that *"the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

3.6 Section 4 of the Plan refers to Decision Making. At paragraph 38 of the Framework, it sets out that *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should… 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****."*

3.7 The Framework also sets out that there are only limited circumstances where decision-makers should give weight to policies in emerging plans, and generally *"arguments that an application is premature are unlikely to justify a refusal of*

planning permission other than in the limited circumstances" (paragraphs 48 and 49 refer).

3.8 Section 9 discusses sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.

3.9 Section 12 refers to achieving good design. Paragraph 124 states *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development…"*

3.10 Paragraph 127 sets out that *"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."

3.11 Paragraph 130 confirms that *"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,"* whilst paragraph 131 sets out that *"in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

b. Local Planning Policy

(i) Adur Local Plan

3.12 The Adur Local Plan was adopted on 14th December 2017. The LPA as part of their decision notice refer to **Policy 15** (**Quality of the Built Environment and Public Realm**) of the plan, and this policy is outlined in full below:-

"Quality of the Built Environment and Public Realm 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:

- *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;*

• Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;

• Have safe access to the highway network, and not result in harm to highway safety;

• Have acceptable parking arrangements (in terms of amount and layout);

• Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;

• Incorporate public art in major developments where appropriate.*

…When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard…"

(ii) Development Management Standard No. 2 Extensions and Alterations to Dwellings

3.13 The guidance note 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. ASSESSMENT OF THE LPA'S REASON FOR REFUSAL

(i) Principle

4.1 Based on the LPA's decision notice, the main issues relating to the consideration of this Appeal proposal are whether the proposed rear extension would sympathetically relate to the existing building in terms of its design, form and scale, and whether the proposals will be detrimental to the residential amenities of the occupiers of the adjacent property.

4.2 The property that is the subject of this Appeal is located within the defined built-up area boundary where the principle of new development is generally acceptable, subject to specific planning policies. The Council reiterate this point within their Officers Report, noting that *"the proposal comprises upgrading the existing housing stock located within the built up area and can be supported in principle".*

4.3 The Appeal property is not Listed and it is not located within a Conservation Area. Nor is the locality recognised within any development plan or other document as being designated for its particular built or landscape character or quality.

4.4 The property that is the subject of this Appeal comprises a semi-detached bungalow, which has previously been extended with a loft conversion served by front and rear dormers, and a flat roof extension to the rear with raised decking area.

(ii) Visual amenity

4.5 The proposed extension will be focussed towards the rear of the property, with the only changes proposed to the front elevation, being the addition of a modest sized roof light and a new front door (refer to **fig 4** and **5**).



Fig 4. Existing front (east) elevation



Fig 5. Proposed front (east) elevation

4.6 It is our view that the proposed works to the rear of the property, by reason of their scale and position will be satisfactory screened from public view and would not detract from the character and appearance of building or the street scene. The Council confirm within their officers report that *"the main works **will not** be clearly visible within the street scene".*

4.7 Further, the proposal would be fully compliant with **Policy 15** of the Local Plan and the Development Management Standard No. 2, which states that *"the most important basic principle is that any extension should be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally".*

4.8 The Planning Inspector will note from visiting the site, that the levels fall away to the rear of the site. The Council are of the view that the proposed rear extension would be large and bulky and the *"change in levels both south to north and to the rear further contribute to the scale of the development".* We would contest that the proposed rear extension has been carefully designed to take advantage of the sloping nature of the site and is merely seeking to create a modest sized infill extension, which in our view will 'square off' the rear of the property, and result in a rear extension that better relates to the dwelling that that existing.

4.9 A number of properties within the surrounding area have been extended/ altered in a similar manner to that currently proposed. It is our view that the appeal property therefore reflects the character and appearance of properties within the immediately surrounding area. Indeed, the case officer notes that *"within this locality many bungalows have been extended with large additions which are not in all cases sympathetic with regards to scale and design…"*. It is clear that a planning precedent for rear extensions/ alterations has been established within the immediately surrounding area.

4.10 Importantly, the Council raised **no concerns** regarding the rear glazing and front roof light, noting that *"the increase in glazing to the rear dormer although unbalanced is not likely to be of concern here, similarly the front roof light is not a detrimental feature. It should be noted however that there is as existing an external door leading from the rear dormer onto the roof of the existing extension. This door is shown to remain, this would be of concern with access onto the roof of the new extension both in the light of safety and also amenity as this would be detrimental. The agent has indicated that this could be changed to a Juliette balcony if necessary".* We can confirm that our client would be happy to amend this access to a Juliette balcony if the Inspector considers this necessary and would be happy for this to be secured via an appropriately worded planning condition.

4.11 It is our view, that the extensions/ alterations proposed as part of this Appeal Scheme would represent an appropriate development, which would relate well to the existing dwelling and previous extensions. Further it would appear in keeping with the context of neighbouring properties, many of which have been similarly extended. The proposed extension would be screened from view towards the rear of the property and would not appear as an incongruous or discordant feature in the streetscene. is our view that the proposal would represent a high quality development which would sympathetically relate to the existing building and

properties within the surrounding locale in compliance with **policy 15** of the Adur Local Plan.

(iii) Residential Amenity

4.12 The closest residential property is No. 43 Herbert Road, a semi-detached dwelling to the south side of the site. It is acknowledged that the Council have raised concerns regarding the potential impact of the development upon this property due to the drop in ground levels.

4.13 The proposed rear extension will effectively act as an infill extension. Although it would take the existing rear extension closer to the neighbouring property to the south, the proposal will be set below the main eaves level and in from the existing southern elevation allowing a level of visual subservience to the main dwelling to be achieved (refer to **Fig 6**).

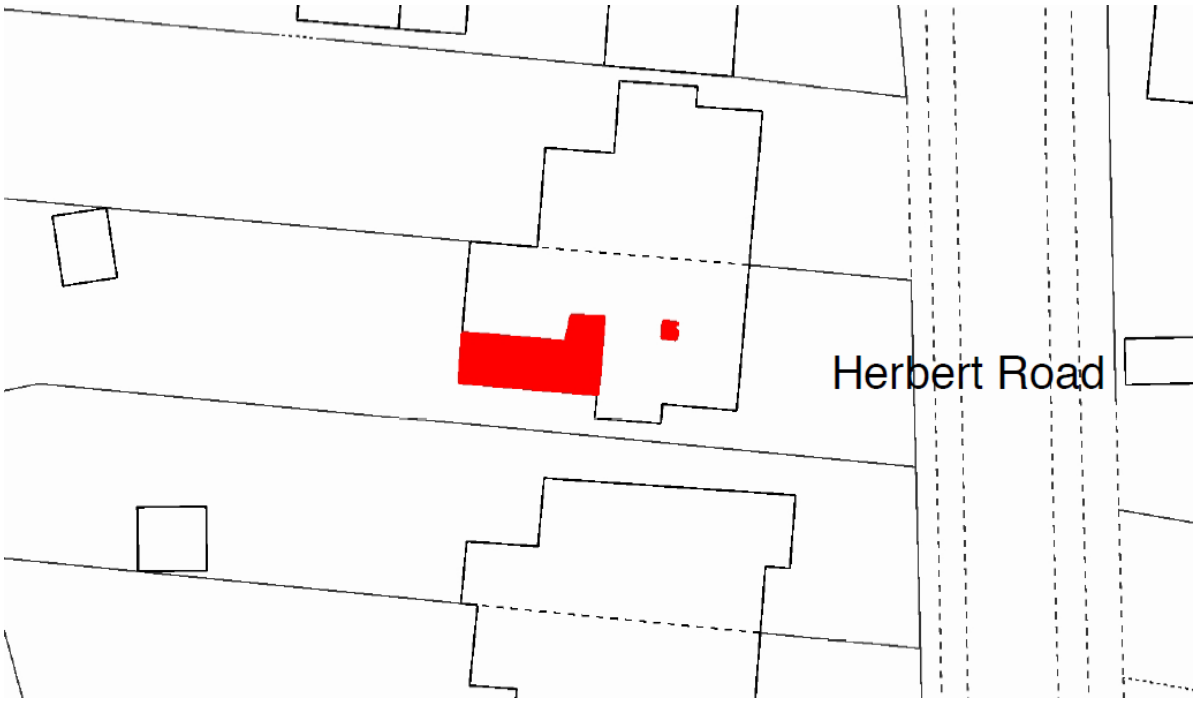

Fig 6. Proposed block plan

4.14 It should be acknowledged that a rear extension (albeit smaller in size) *could* be erected in this position and up to the southern boundary under the properties own Permitted Developments Rights and indeed, this would likely by our clients fall back position in the event that this appeal was dismissed.

4.15 The extension would be provided with ample separation to the sites southern boundary, and would therefore be set away from the side and rear elevations of neighbouring No.43. The fact that No.43 is located to the south of the Appeal site also means that loss of light and overshadowing impacts will not arise.

4.16 We note that the Council have raised concerns regarding the glazing to the southern side of the building, which in *their view* will result in overlooking and loss of privacy to the adjacent bungalow and rear amenity space.

4.17 We can confirm that the proposed windows are merely intended to provide light to the ground floor entrance and the lounge area.

4.18 Further, No.45 has an existing, and well-established raised decking area to the rear of the property. This provides views over neighbouring No.43, but even so, the level of overlooking currently created does not feel harmful due to the boundary fencing that separates the two properties. Again, the Inspector will need to come their own judgment on this matter when they visit the site. However, and notwithstanding this, what is clear is that the proposed extension will not increase the potential for overlooking and loss of privacy impacts to occur from that existing. Indeed, we are of the opinion that the relationship will be improved in this regard.

4.19 In addition, as noted above, and demonstrated via **Fig 7** below, the Appeal sites view of No. 43 are that of fencing and a flank wall, and this will not be altered. It is clear that the Appeal proposal would not result in any degree overlooking and loss of privacy to the adjacent bungalow and rear amenity space. **It is also noteworthy that**

this neighbouring property has raised no objection to the development proposals. The development **will not** be dominant or imposing in relation to the neighbouring property, and therefore we disagree with the Council's assessment in this respect.



Fig 7. Photograph 1: Looking south from existing raised decking area towards neighbouring No. 43 (refer to **Appendix A**)

4.18 Indeed, it would be possible for the Appeal property to have side facing windows inserted into its existing south elevation at any time, without the need for planning permission.

4.19 The Council, within their officers report that, refer to the property to the north, noting that *"due to the existing rear extension and the increased ground levels the impact to the property to the north will be much less than that to the south. The only change will be the roof lights which in this case will have no adverse impact".*

4.20 It is our view that the proposed extension/ alterations would not cause demonstrable harm to the residential amenities of any neighbouring property by way of overlooking, loss of light or overbearing impact. The proposal would be complaint with **Policy 15** of the Adur Local Plan and the relevant paragraphs of the NPPF relating to good design.

5 CONCLUSIONS

5.1 A site visit is recommended in this case, as this will assist the Inspector in fully assessing the site and its surroundings, including land levels and previous extensions to the property (and those that surround).

5.2 Based on the LPA's decision notice, the main issues relating to the consideration of this Appeal proposal are whether the proposed rear extension would sympathetically relate to the existing building in terms of its design, form and scale, and whether there would be significant harmful impacts to the living conditions of neighbouring No.43 to the south.

5.3 The appeal proposal would effectively constitute a modest sized rear infill extension, which would be attached to an existing flat roofed rear extension. It has been designed to take advantage of the sloping nature of the site. The proposal would be set down below the main eaves level and in from the south boundary, allowing a level of visual subservience to the main dwelling house to be achieved. The proposed extension would be positioned to the rear of the property, completely screened from view from Herbert Road by the main dwelling. Visually the proposed extension will relate sympathetically to the host dwelling; it will not appear incongruous or as an overdevelopment. In design terms there would be a visual improvement arising from the proposals. Therefore, the existing character and appearance of the building will be conserved and enhanced by the Appeal proposals, and there would be no public detriment arising from the development.

5.7 In addition, the proposal would have not have a harmful impact on adjacent properties, particularly No. 43 to the south of the site. It is evident that there will be no significant, demonstrable loss of privacy, loss of daylight/sunlight, or loss of outlook arising from the proposed extension. The Appeal scheme is therefore in full

compliance with Government guidance, **Policy 15** of the Adur Local Plan, and guidance set out in the Council's Development Management Standard No. 2.

5.8 In summation, the Appeal Scheme meets all the necessary policy requirements, and will not detract from the character of the building or surrounding residential area. Nor would the proposals cause any demonstrable harm to the residential amenities of occupiers of neighbouring properties. In our opinion the overwhelming weight of evidence supports the Appeal proposal as it is shown to comply with all relevant Development Plan policies and guidance, and adheres to the NPPF.

5.9 The above comprises our own professional assessment of the Appeal scheme.

5.10 Therefore, we respectfully request that this Householder Appeal be allowed and that planning permission is granted for the proposed development.

November 2019