The Planning Inspectorate

Appeal Decision

Site visit made on 13 March 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date:20.03.2024

Appeal Ref: APP/Y3805/D/24/3336643
16 Croshaw Close, Lancing, West Sussex BN15 9LE

- 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 Ms R Howorth against the decision of Adur District Council.
- The application Ref: AWDM/1559/23 dated 4 November 2023, was refused by notice dated 4 December 2023.
- The development proposed is extension of existing roof dormers.

Decision

1. The appeal is allowed and planning permission is granted for extension of existing roof dormers at 16 Croshaw Close, Lancing, West Sussex BN15 9LE in accordance with the terms of the application: Ref: AWDM/1559/23 dated 4 November 2023, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: 11735 – 1j; block plan and location plan.

   4) The proposed first floor windows on both the side elevations of the development hereby permitted shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the finished floor level of the room in which the window is installed and thereafter so retained.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023 after the application was determined. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:

   a) The effect of the proposal on the character and appearance of the existing property and the street scene, and

   b) The effect on the living conditions of neighbours.

Reasons

Issue a) Character and Appearance

4. The appeal property is a chalet bungalow, with its gable end fronting the south western end of the cul de sac of Croshaw Close and within a predominantly residential area. The property as existing has a dormer to both side facing roof slopes (east and west), approximately in the middle of the side roof slopes. The surrounding area has a mix of bungalows and chalet bungalows with some two storey properties. A variety of dormer windows are a regular feature in the street scene, particularly to chalet bungalows, both to the front, rear and side roof slopes.

5. The proposal would extend the dormer to each roof slope, extending to almost the full length of the roof slope. However, the flat roofed dormers would continue to be set down from the ridge line and set above the eaves line. As a result of the proposed siting particularly in relation to the ridge and eaves lines, I consider that the proposed dormers would not appear as overly dominant features in the roof plane; they would not detract from the modest scale and proportions of the existing property.

6. Although the property is set back from the road frontage, at one end of Croshaw Close, I do not agree with the Appellant's contention that the proposed dormers would not be widely seen in the street scene; they would be clearly visible, particularly at close range. Nonetheless taking into account the general street scene, where a variety of dormers form part of the character and appearance of the locality, it is my view that in respecting the character and appearance of the host property, the proposal would also respect the street scene. The property as proposed to be extended would not be over dominant in the street scene.

7. I am therefore satisfied that the proposed development would respect the character and appearance of the existing dwelling as well as the character and appearance of the local area. There would be no conflict with Policy 15 of the Adur Local Plan and the Framework and in particular Section 12, both of which amongst other things seek a high quality of design which respects the local context.

8. The Council's reason for refusal includes that the development would set a precedent for future proposals. However, each proposal must be assessed on its own individual merits. That has been the basis of my assessment in this case.

Issue b) Living Conditions

9. There would be side facing windows to both dormers. Although the submitted plans indicate that these three side facing windows would be *obscure glazed and fixed shut to a 1.7m above floor level* there appears to be some confusion

over what would be intended. If clear glazing with opening windows were used, there would be the opportunity for overlooking towards the neighbouring properties and rear gardens on both sides with a resultant loss of privacy for the immediate neighbours. However, the Appellant has confirmed that each of the side windows would be obscure glazed and fixed shut to a height of 1.7m above floor level and this is also shown on the plans.

10. Subject to the imposition of a condition to ensure that this would be followed for each of the side facing windows and thereafter retained, I am satisfied that there would be no harm to the living conditions of the neighbours on both sides of the appeal property through overlooking and loss of privacy. It would also provide satisfactory living conditions for the occupants of the appeal property as the rooms would also have windows facing to the front and to the rear.

11. I am therefore satisfied that, subject to the imposition of a condition to control the glazing and openings of the side facing windows, there would be no harm to the living conditions of the neighbours on both sides of the appeal property through overlooking and loss of privacy. There would be no conflict with Policy 15 of the Adur Local Plan as well as paragraph 135 f) of the Framework, both of which amongst other matters seek to protect the amenities of neighbouring occupants.

Conditions

12. In terms of conditions, materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.

13. I shall also add a condition to require the side facing windows in the dormers at first floor to be obscure glazed and fixed shut to a height of 1.7 metres above the finished floor level of the room to protect the amenities of surrounding neighbours.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR