Appeal Decision

Site visit made on 29 April 2010

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

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Decision date:
17 May 2010

Appeal Ref: APP/Y3805/D/10/2121750
76 Elms Drive, Lancing, West Sussex BN15 9LR

- 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 Mr & Mrs Duval against the decision of Adur District Council.
- The application Ref ADC/0443/09, dated 18 November 2009, was refused by notice dated 11 January 2010.
- The development proposed is a single storey rear extension.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of occupants of No 74 in relation to visual intrusion and loss of light.

Reasons

3. No 76 Elms Drive is one half of a pair of semi-detached bungalows. It is paired with No 74. Both bungalows have flat roof rear extensions set away from the shared boundary. The extension at No 76 is a little larger and more bulky in scale and appearance because it projects from just above eaves level whereas the one at No 74 projects from the eaves themselves. The proposal is to infill the gap between the existing extension at No 76 and the boundary with No 74 with an addition which would be approximately 3.35m in depth.

4. The proposed extension, which would be the same height as the existing one and taller than the shared boundary fence, would introduce a deep recess between the window serving the living room of No 74 and its existing rear projection. In my view this would be visually intrusive, significantly reducing the outlook from this room and increasing the sense of enclosure both in the bungalow and on the patio area immediately to the rear. The orientation of the dwelling means that there would also be a loss of light to the bungalow and a small reduction in the amount of sunshine that could reach the patio in the mornings. I consider these factors would combine to make No 74 a less pleasant place in which to live.

5. I have taken account of the appellants' claim that an extension of different dimensions could be constructed as permitted development. Nevertheless, I have found that the proposal before me would be harmful for the reasons set out above. Furthermore, it would be contrary to the clear guidance set out in

the Council's Development Control Standard No 3: *Extensions and Alterations to Dwellings* which specifically deals with infill development of the type proposed and gives reasons as to why such proposals can be unacceptable. I concur with this advice and have given it significant weight in determining the appeal. I therefore conclude that the proposed extension would be harmful to the living conditions of occupants of No 74 in relation to visual intrusion and loss of light, contrary to saved Policy AH7 of the Adur District Local Plan which seeks to protect the living conditions of occupants of neighbouring dwellings.

6. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR