The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 23 February 2016

Appeal Ref: APP/Y3805/D/15/3138976
93 Old Shoreham Road, Southwick, West Sussex BN42 4RD

- 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 M Jones against the decision of Adur District Council.
- The application Ref AWDM/0805/15, dated 21 May 2015, was refused by notice dated 1 September 2015.
- The development proposed is the demolition of the garage and formation of a two storey side extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposed extension on the neighbours' living conditions.

Reasons

3. The appeal relates to this 2 storey semi-detached house which is located in a residential area of similar houses. The property sits at the corner of Old Shoreham Road with Lower Drive. The neighbouring property at No 1 Lower Drive sits at right-angles to the appeal property and it has a small rear garden area.

4. The appeal property has a garage to its side, this would make way for the proposed extension which would be narrower at the first floor than the ground floor and its overall height would be less that that of the existing house. Notwithstanding these features, the proposal would extend close to the boundary with No 1 Lower Drive and it would be visible from its very small rear garden and conservatory.

5. I was able to gain access to No 1 at my site visit and I judge that the proposed extension would appear as an immediate and large feature when viewed from the patio/garden and conservatory. Despite the fact that some effort has been made to reduce the bulk of the proposed extension, I consider that its size and proximity to No 1 would mean that it would appear oppressive and over-dominant.

6. I have taken account of the proposed glazing which has been designed to prevent overlooking and to the daylight assessment which concludes that there

would be no unreasonable effects. However, my objections relate to neither of these factors and I remain of the view that the proposal would dominate the outlook from the conservatory and garden area of No 1 Long Drive.

7. The appellant sets out that the proposal complies with the Council's standards as set out in 'Development Control Standard No 3, Extensions and Alterations to Dwellings'. It must be born in mind that such standards are intended to offer general advice and, as set out at paragraph 3.1, "…each application must be considered on its own particular merits, compliance cannot in itself guarantee that planning permission will be granted."

8. In the particular circumstances of this case, the proximity of the proposed extension to the very small rear garden and conservatory at No 1 Lower Drive means that the proposal would have an unacceptable effect on the neighbours. As a consequence, the proposal is contrary to Policy AH7 of the Adur District Local Plan.

Conclusion

9. I have taken account of all other matters set out in the representations. I have concluded that the proposal would have an unacceptable effect on neighbours, contrary to Policy AH7 and there are no matter which are sufficient to outweigh that harm. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR