The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH July 2024

Appeal Ref: APP/M3835/D/24/3342904
Sunridge, Mill Lane, Worthing, West Sussex, BN13 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Robert Hammond against the decision of Worthing Borough Council.
- The application Ref. is AWDM/1641/23.
- The development proposed is raised deck to rear with external steps and balustrade.

Decision

1. The appeal is allowed and planning permission is granted for raised deck to rear with external steps and balustrade in accordance with the terms of the application, Ref. AWDM/1641/23, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan (revised version) (received 09.02.2024); Proposed Elevations DRG 4 (received 09.02.2024); Location Plan (received 30.11.2023); Framing Detail (received 30.11.2023); Rear (North-East) Elevation (received 30.11.2023); Proposed Floor Plan DRG 2 (received 30.11.2023); Side (South-East) Elevation (received 30.11.2023); Side (South-East) Elevation With Screen (received 30.11.2023); Side (North-West) Elevation (received 30.11.2023); Side (North-West) Elevation Showing Posts (received 30.11.2023).

Preliminary Matters

2. I have adopted the description of development as set out in the decision notice as this provides a more concise description of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers.

Reasons

4. The appeal proposal involves the construction of a raised deck with external steps, balustrade and privacy screen at the rear of the host property. The latter is situated on the eastern side of Mill Lane and comprises a large

detached property set within a very spacious plot. The properties to the north and south comprise similar sized detached properties with spacious plots.

5. The Council contend that the proposal would have a detrimental impact on the living conditions of the neighbouring occupiers of the dwelling known as 'Toftwood', located to the south of the appeal site. No concerns have been raised in relation to the impact of the proposal on the dwelling known as 'Kingfisher', located to the north of the appeal site.

6. The Council have referred to policy DM5 of the Worthing Borough Council Local Plan 2020 – 2036 (WLP) (March 2023). I have assumed that it is part 'a) viii' of this policy that the Council consider relevant in that it states that new development should not have an unacceptable impact on neighbours including an unacceptable loss of privacy, daylight or outlook. A similar approach is set out in paragraph 135 f) of the National Planning Policy Framework (December 2023) (Framework).

7. Reference has also been made to 'Extending or altering your home' Supplementary Planning Guidance (SPG), which I understand dates from 1998. Whilst the latter does not contain any guidance on new platforms (terraces), the Council's Delegated Report (CDR) refers to the section 'Your Extension and your Neighbours'. This provides general guidance on the need to carefully design extensions in order to reduce their potential impact on neighbours. I agree with the Council that these general principles can be applied to the appeal proposal. In this respect I note that the SPG continues by stating that "*As most dwellings have the main windows to principal rooms facing towards the front and back of the property, extensions close to a neighbours boundary can significantly reduce the amount of daylight and sunlight reaching the principal rooms of adjoining houses*."

8. In relation to the proposed privacy screen, this would extend to a height of some 1.8 metres above and along the length of the new platform where it abuts the common boundary with 'Toftwood'. It would extend from the southernmost corner of the host property and would therefore be offset from the common boundary with 'Toftwood'. As I observed on my site visit broadly in line with the corner of the host building is a ground floor window in the side elevation to 'Toftwood'. The window has blinds, which were closed at the time of my visit. As I also noted, a similar gap (path) to that on the host's side separates this window from the common boundary. The latter comprises a wall and slatted fence above, whose total height extends to around the middle of this window.

9. Within the above context, whilst I accept that the proposed privacy screen would impact on the daylight and outlook from this window, the level of impact would, in my view, be modest and would not be sufficient on its own to justify the refusal of planning permission. Those findings are supported by the fact that: the proposed privacy screen would not be sited on the common boundary and a reasonable gap would be retained on either side of that boundary allowing light to still reach the window; the evidence before me indicates that this is not a principal window and that the light and outlook from the principal rear windows to 'Toftwood' would not be affected; it is common to find secondary windows positioned in side walls facing adjoining properties; and, the privacy screen would be sited due north of 'Toftwood'. I have also had regard to the Appellants point that it is likely that a 2 metre high fence could

be erected on the common boundary without the need for planning permission under permitted development rights.

10. In relation to the proposed height and extent of the privacy screen relative to the remainder of the common boundary with 'Toftwood', I am satisfied that whilst some of the upper part of this may be visible, any impact on the outlook from 'Toftwood' would be limited. As I observed on site, the common boundary is formed by a combination of fencing, hedging and planting which provides an effective screen between the two properties. Moreover, the proposed privacy screen would not have any impact on the outlook from the principal rear windows and private terrace of 'Toftwood' or their long range views over the extensive rear garden to that property and the valley beyond.

11. Turning to the issue of privacy, the CDR appears to accept that the new privacy screen would mitigate any overlooking from the southern extent of the new platform. However, the Council do contend that overlooking would still arise from that part of the new platform (and stairs) which would project beyond the privacy screen, close to the boundary with 'Toftwood'. I do not agree. This part of the new platform would be sited a reasonable distance from the common boundary, any views would be limited and at an oblique angle and would be towards a boundary that has an extensive high screen formed by fencing, hedging and planting.

12. As such, I am satisfied that the proposal is not visually overbearing and does not result in any harmful increase in overlooking of or loss of privacy to 'Toftwood'. Even so, mutual overlooking of neighbouring gardens is an inherent and common characteristic of most built up areas, even where, as in this case, the properties sit on spacious plots. It also arises where, again as in this case, there is a difference in levels and occupiers have either extended or constructed platforms, as proposed, to take full benefit of their gardens and views. The focus of those extensions and platforms, as in the case of the host, is toward their rear gardens and attractive views of the valley to the east. Consequently, I do not consider that additional screening, as suggested by the Appellant, is required or necessary.

13. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of neighbouring occupiers and would comply with part 'a) viii' to policy DM5 of the WLP, the guidance within the SPG and paragraph 130 f) of the Framework.

Conditions

14. The Council have suggested a condition seeking compliance with the approved plans which I consider necessary and reasonable having regard to the advice in the Framework and the Planning Practice Guidance chapter on the 'Use of planning conditions'.

Conclusion

15. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR