The Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date:30 August 2019

Appeal Ref: APP/Y3805/D/19/3230650
3 Lesser Foxholes, Shoreham-By-Sea BN43 5NT

- 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 Chris Linger against the decision of Adur District Council.
- The application, Ref. AWDM/0384/19, dated 4 March 2019, was refused by notice dated 9 April 2019.
- The development proposed is a feature dormer window.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed feature dormer window on the character and appearance of the host building and the street scene.

Reasons

3. I saw on my visit that the original design of the building with its asymmetrical roof, which in the case of the appeal property has been increased in extent by an earlier extension, is an architectural style commonly occurring in the locality. The L-shaped footprints combine with the asymmetry of the roof profiles to give the area a distinctive character, albeit I acknowledge that there are also other dwellings in the area of a different design.

4. In terms of both the architectural integrity of the building and its aesthetic merits, I consider that a dormer of the scale and design proposed would be an alien feature that would run counter to the simple and clean lines and attractive clutter-free long roof slopes of the original dwelling.

5. Furthermore, the appeal building and the elevation in dispute are particularly prominent given the building's somewhat different orientation on its plot and its proximity to the road junction. I therefore endorse the Council's judgement in its Notice of Refusal that the proposed dormer would be unduly prominent and of an unsympathetic and poor design that would conflict with, rather than complement, the character and appearance of the host building.

6. I recognise that the grounds of appeal take an entirely different view of the appeal scheme's merits and this is a matter of planning judgement. Be that as it may, there can be little doubt that given the substantial number of other dwellings in Lesser Foxholes with catslide roofs similar to the pre-extended roof

of the appeal property, if I were to allow the appeal it would be difficult for the Council to in all fairness refuse permission for subsequent applications. The cumulative effect would be to cause further harm to the character and appearance of the street scene and undermine its local distinctiveness.

7. As regards precedent, the grounds of appeal draw attention to the roof alteration at No. 8 Lesser Foxholes with its dormer constructed under permitted development. To my mind this clearly illustrates through its harmful visual impact why planning restrictions can achieve much improved outcomes. And whilst perhaps it is one of the weaknesses of the planning system that such inconsistencies can occur in close proximity, I do not see it as reason to dispense with a planning judgement when it is in fact available.

8. As regards 'Downsway' at No. 18, I agree that the appeal scheme compares favourably, but again this is not a good reason to abandon the principles and objectives of Policy 15 of the Adur Local Plan 2017 ('the Local Plan') and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').

9. I have seen the new houses at No. 36 Lesser Foxholes, but although quite different I do not consider them to be relevant to the appraisal of the effect of the dormer on the appeal dwelling. Nor do I agree with the assertion that the proposal is in compliance with the Council's Development Management Standard No. 2: 'Extensions and Alterations to Dwellings'. It may well comply with some of the principles and criteria, but this is not enough when, in my view, it is clearly at variance with others.

10. As regards the appellant's 'fallback' position through options under permitted development, this will be a matter for the appellant to consider to pursue should he consider it appropriate. However, because of the specific harm that would be caused in this case and the potential for similar dormers on other houses with their wider implications, I am unable to regard any fallback as a justification for allowing the appeal.

11. In summary, I consider the proposal to be harmful to the character and appearance of the host dwelling and to the street scene in conflict with the Local Plan and the Framework. For these reasons and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR