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PLANNING APPEAL STATEMENT

IN RELATION TO:

'GROUND FLOOR SIDE AND REAR EXTENSIONS; ROOF EXTENSIONS INVOLVING NEW GABLED ROOF WITH HIGHER RIDGE TO INCLUDE 2 NO. SIDE DORMERS. NEW ROOF TO FRONT BAY AND CANOPIED ENTRANCE'

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17 ULLSWATER ROAD, SOMPTING, LANCING, WEST SUSSEX, BN15 9UF

LOCAL PLANNING AUTHORITY REF: AWDM/0023/18/

JUNE 2018

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1. INTRODUCTION

1.1 This Householder Appeal is submitted following the decision of the Local Planning Authority (Adur District Council [ADC]) to refuse planning permission for *'ground floor side and rear extensions; roof extensions involving new gabled roof with higher ridge to include 2 no. side dormers. New roof to front bay and canopied entrance'.*

1.2 The appeal site is located at 17 Ullswater Road, Sompting, Lancing, West Sussex, BN15 9UF.

1.3 The planning application was submitted to ADC by Mr. Neil Millbank of GWP Architects (planning agent) on behalf of Mr. Hedgecock (the Appellant). The application was received by the LPA on 5th January 2018 and formally validated on 11th January 2018. It was submitted with a Location Plan, Block Plan, Existing and Proposed Elevations and Floor Plans and a Proposed Street Elevation and Part Section showing adjacent windows.

1.4 According to the LPA's online file, **NO LETTERS OF REPRESENTATION** were received in relation to the planning proposal from neighbouring residents.

1.5 Sompting Parish Council raised **No Objection** to the proposal, although requested that any windows overlooking neighbouring properties have obscure glass in them.

1.6 The planning application was dealt with under the LPA's delegated powers and refused planning permission via decision notice dated 8th May 2018. The Council cited 1 No. reason for refusal, which is as follows:-

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"1. The proposed side dormers would, by reason of their excessive size, bulk and positioning constitute a visually discordant and dominant form of development, detrimental to the appearance of the bungalow and the wider area. The proposal is therefore considered contrary to policy 15 of the Adur Local Plan 2017, adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" and the relevant paragraphs of the National Planning Policy Framework relating to good design".

1.7 This Statement accompanies a notice of Appeal being lodged against that decision.

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2 SITE AND SURROUNDING AREA

2.1 The Appeal Site relates to a detached bungalow on the west side of Ullswater Road where is approaches the bend in the road with Thirlmere Crescent.



Fig 1. Aerial map showing the site and its surroundings (courtesy of Google Maps)

2.2 The bungalows on this west side of the road are arranged to suit the curvature of the highway, with each set further forward of one another the further north onto the road they are positioned.

2.3 The Appeal dwelling comprises light coloured brick walls and a tiled roof. It has a fully hipped roof with a prominent front gable and a flat roofed front bay window. It has a lean-to extension on the rear and a driveway on its north side.

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2.4 The Appeal property adjoins residential bungalows to either side. The rear garden area backs onto open land.

2.5 The Appeal Site is located within the defined built-up area boundary. It is not Listed and nor is it located within a Conservation Area. The site is not located within an area that is identified in the development plan as being of any special character.

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3 RELEVANT PLANNING HISTORY

(i) Application Site

3.1 According to the LPA's online planning register, there is no relevant planning history relating to the Appeal Site.

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4 THE APPEAL PROPOSAL

4.1 This Householder Appeal seeks planning permission for the erection of a single storey side and rear extension, as detailed below.

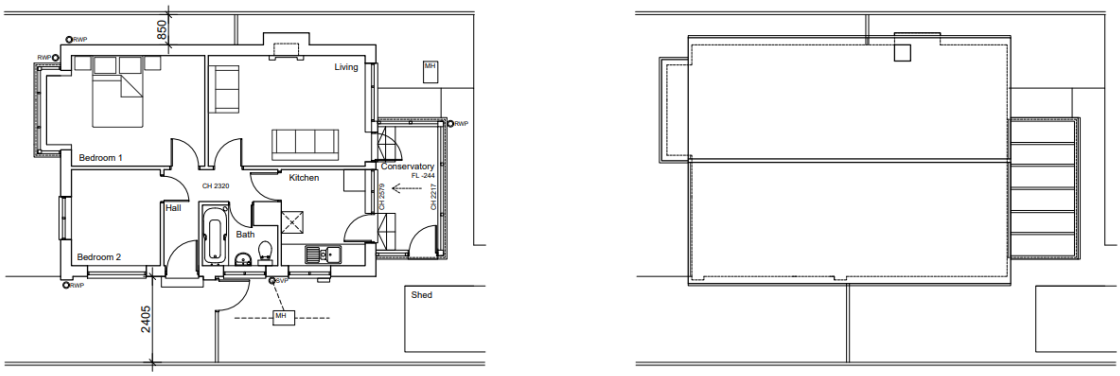

Fig 2. Existing Floor Plan and Roof Plan

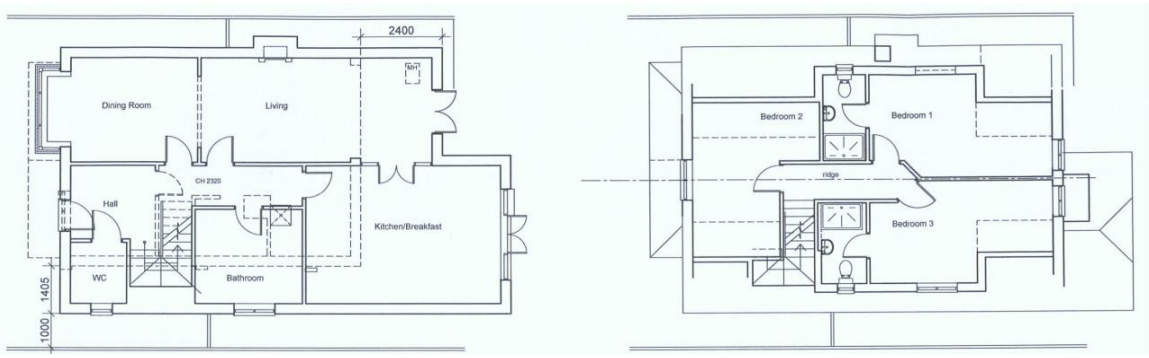

Fig 3. Proposed Ground Floor and First Floor Plan

4.2 As detailed below, it is also proposed to replace the roof over the extended width bungalow over 2.4 metres depth of the rear extension, whilst lifting the ridge

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height by 1 metre. Dormers are also proposed to each side roof slope, thereby providing enhanced first floor accommodation.



Fig 4. Existing front and north side elevation

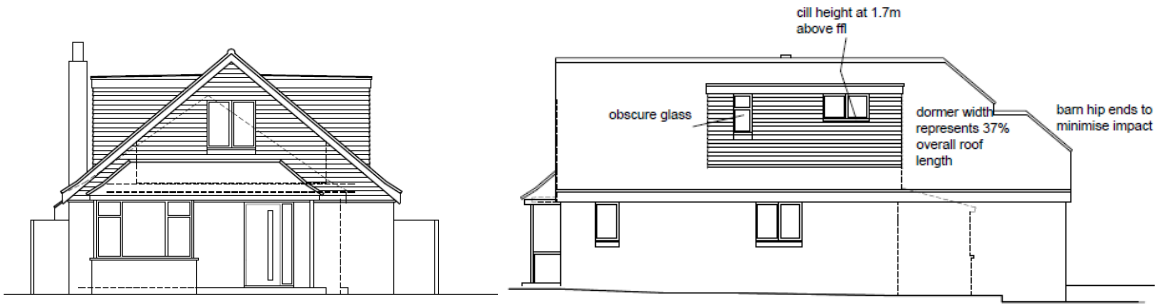

Fig 5. Proposed front and north side elevation

4.3 The roof extensions would create 3 No. bedrooms at first floor level.

4.4 It is also proposed to relocate the entrance door to the front, road side elevation and to add a mono pitched roof over the bay and extend it across the new entrance.

4.5 All external materials are to match the facing materials for the existing property.

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5 PLANNING POLICY CONTEXT

a. National Policy Context

(i) The National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. This guidance provides the most-up-to-date Government planning policy.

5.2 The focus of the NPPF is achieving sustainable development, the definition of which is summarised in paragraph 6 as being the whole of paragraph's 18-219 of the Framework. Paragraph 7 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental.

5.3 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.

5.4 Paragraph 14 is an important element of the NPPF. It states that: *"at the heart of the National Planning Policy Framework is a* ***presumption in favour of sustainable development****, which should be seen as a golden thread running through both plan-making and decision-taking".* It details that objectively assessed needs, such as housing, have to be met unless *"any adverse impact of doing so would significantly and demonstrably outweigh the benefits".* This is assessed against all the policies of the NPPF, as a whole, or specific policies relating to SSSI, Green Belt, Local Green Space, AONB, Heritage Coast, National Park, designated heritage assets, flood risk locations and coastal erosion. It also states that decision makers should be *"approving development proposals that accord with the development plan without delay".*

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5.5 The NPPF advises that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking, and these principles are listed under paragraph 17. Although the NPPF omits the wording that was present in the draft which referred to the default position of "yes" to applications for sustainable development, it does retain the significant change that requires a response to market signals. Each of the bullet points are important, but of particular note is no. 4, where is states the need to "*always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"* and no. 5, where it details that account should be had of the character of different areas.

5.6 It is noted that the crucial caveat of PPS1 paragraph 35 remains within the NPPF. That is that good design goes far beyond aesthetic considerations, with paragraph 61 specifically referring to *"integration of new development into the natural and historic environment."*

b. Local Planning Policy

(i) Adur Local Plan

5.7 The Adur Local Plan was adopted on 14th December 2017. The LPA as part of their decision notice refer to **Policy 15** (**Quality of the Built Environment and Public Realm**) of the plan, and this policy is outlined in full below:-

"Quality of the Built Environment and Public Realm Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:

- *Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;*

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• Include a layout and design which take account of the potential users of the site;
• Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;
• Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
• Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;
• Have safe access to the highway network, and not result in harm to highway safety;
• Have acceptable parking arrangements (in terms of amount and layout);
• Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;
• Incorporate public art in major developments where appropriate.*

…When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard…"

5.8 The Council, within their decision notice, also refer to the LPA's adopted Development Management Standard No. 2 'Extensions and Alterations to Dwelling'.

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6 ASSESSMENT OF THE LPA'S REASON FOR REFUSAL

6.1 Based on the LPA's decision notice, the **only** issue relating to the consideration of this Appeal proposal is the size, bulk and positioning of the new dormers that are proposed to be added to the side slopes of the bungalows enlarged roof.

6.2 The decision notice makes no reference to the proposed erection of single storey extensions to the side and rear of the property, and the proposed replacement roof over the extended bungalow, whilst lifting the ridge height by 1 metre. By virtue of this lack of specific mention in the LPA's decision to these other element of the Appellant's proposals, it must be deduced that these are considered acceptable to the LPA, and the only alleged harm is therefore resulting from the design and size of the proposed dormers. It is therefore for this reason that this Appeal assessment focuses solely on the impact on the character and appearance of the locality with specific reference to the proposed dormers only.

6.3 The property that is the subject of this Appeal is located within the defined built-up area where the principle of new development is generally acceptable, subject to specific planning policies. The Council reiterate this point, by noting within their Officers Report that *"the principle of development can be supported as it upgrades a dwelling within the built up area boundary".*

6.4 The Appeal property is not Listed and it is not located within a Conservation Area. Nor is the locality recognised within any development plan or other document as being designated for its particular built or landscape character or quality.

6.5 The property that is the subject of this Appeal comprises a detached bungalow, which adjoins residential bungalows to either side.

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6.6 The surrounding area is varied, characterised by a mixture of detached and semi-detached bungalows and chalet bungalows. Properties differ in their scale, form, style and appearance; notably with their being great variance in roof style and design. The Inspector will note from a site visit that the addition of dormers to front and side roof slopes are not uncharacteristic of the immediately surrounding area.

6.7 As outlined above, the Council have accepted all other aspects of the appeal proposals, which includes the erection of a single storey side and single storey rear extension, and the proposed replacement roof over the extended bungalow, whilst lifting the ridge height by 1 metre. In addition, they raised no concerns regarding the impact of the proposal upon the residential amenities of any neighbouring property, or any other planning matter. As a consequence, this appeal proposal solely relates to issues of visual amenity.

6.8 As detailed at **Fig 6** below, the adjoining property to the south side (No. 15 Ullswater Road) is a detached bungalow, with a flat roofed dormer to the front roof slope.

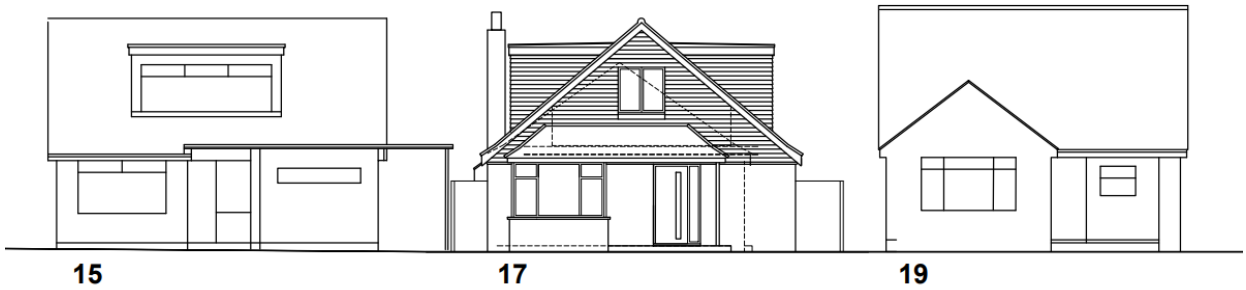

Fig 6. Extract from Proposed Street Elevation

6.9 In addition, No. 7 and 9 Ullswater Road (pair of semi-detached dwellings) have flat roof dormers to the front slope and No. 5 has a pitched roof dormer to the front roof slope.

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Fig 7. Photograph of Ullswater Road (Coutesy of Google Maps)

6.10 Within the wider locale, No. 4 Burnside Crescent has added a large dormer to one side which is prominent to the junction of Burnside Crescent and Carnforth Road. It is understood that this dormer was constructed under the properties Permitted Development rights. **Fig 8** and **9** below detail photographs of this property.



Fig 8. Photograph of No. 4 Burnside Crescent

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Fig 9. Photograph of No. 4 Burnside Crescent

6.11 It is clear that a planning precedent for front and side dormers has been established within the immediately surrounding area.

6.12 It is our view, that the dormers proposed as part of this Appeal Scheme would appear entirely in keeping with the existing dwelling house in terms of scale, form, sting and design. They would not overdominate the enlarged roofscape, but instead would appear as subservient features. Further they would appear in keeping with the context of neighbouring properties, many of which have been similarly extended. As such, the proposals would not appear as an incongruous or discordant feature in the streetscene.

6.13 Indeed, the dormers proposed are to the side of the property and would arguably appear less visible than a number of surrounding examples where dormers have been erected to front roof slopes. Consequently, the proposals would not appear

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jarring, but instead would be harmonious with the extended host property, and in keeping with the vast majority of similarly extended properties in this immediate area.

6.14 The LPA draw attention to their Development Management Standard No.2 entitled 'Extensions and Alterations to Dwellings'. This document sets out guidance on a variety of development that is related to householders. The document sets out that its purpose *"is to provide planning information to anybody who is considering extending or altering their house or bungalow. It sets out the planning principles that are used by the council in assessing planning applications and how these are applied to different types of extension."* The document also confirms that when considering a proposed extension to an existing house or bungalow there are three main planning concerns:

i. the effect on neighbouring properties;
ii. the effect on the dwelling to be extended; and
iii. the appearance.

6.15 With respect to criteria (i) and (ii) the LPA confirm that the Appeal proposals are acceptable. Specifically, the proposals will not lead to any unacceptable adverse effect on neighbouring properties and further its design will ensure that a satisfactory standard of amenity is retained for future occupiers of the host dwelling. The Council's principle concern is therefore the appearance of the existing property and how it impacts on the streetscene. The guidance sets out that proposals *"should not be allowed to over-dominate the house or clash with its appearance."* Further it sets out principles that if abided by would help to ensure that the appearance of the extensions and/or alterations are acceptable. These are that:

a) "Extensions should generally respect the architectural period and style of the existing dwelling and the area.

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b) External construction materials should usually match in colour and texture the materials of the existing dwelling.

c) Windows or other openings should be in scale with the extension and should be in line with and match the proportions and style of existing windows.

d) On a dwelling with a pitched roof, extensions should also have a pitched (or lean-to) roof if they are visible from the street, from a public place, or are two-storey extensions.

e) Existing trees should usually be retained since they make a significant contribution to the visual amenity of an area and can soften the impact of development. A sufficient space should be left between any extension and existing trees, in order to ensure that their root systems are not damaged and to ensure that the trees do not cause a nuisance, reduce daylight to windows or pose a risk from potential falling branches. Mature shrubs should also be retained where possible."

6.16 We contend that the Appeal scheme is in compliance with each of these key principles. For instance, the proposed additions, including the new dormers, is of an appearance and style that is in keeping with the existing property and neighbouring dwellings (criteria a), the materials would be to match existing (criteria b), the new windows would be in keeping with those of the existing property (criteria c), and the other two criteria (d and e) are not considered relevant.

6.17 With specific respect to alterations to the roof the guidance states *"Where permission is required, they [dormers and other alterations to the roof] should not be so large that they over-dominate the dwelling, resulting in a top heavy "box-like" appearance. They should be kept well below the ridge level of the existing roof and should not project as far as the walls of the house. A large amount of the original roof should still be clearly visible. Dormers should not "wrap-around" more than one face of a roof and should not normally be located on the side of a hipped roof.*

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The appearance of roof lights will often be more acceptable. Where the existing roof space is of inadequate size to accommodate the room(s) proposed without adding very large flat-roofed dormers, permission will not normally be granted… The windows in dormers should be similar in style and proportion to those on the original dwelling. On older-style properties small hipped or gable roofed dormers are usually preferable to flat-roofed dormers. Two small dormers will often be more acceptable that one large one, provided they are of sufficient distance apart. In some locations, front dormers may not be acceptable if for example they would spoil the special character of a Conservation Area or if there are currently no other front dormers present in a particular street scene… (paragraphs 3.11 and 3.12)

Where permission is required, roof extensions should respect the scale, character and appearance of existing dwellings. In some instances, the enlargement of a hipped roof into a gable or half-gable end may respect the proportions of a property more than adding dormers. However, the acceptability of the resulting lack of symmetry would depend on the visual quality and character of the area. In particular, the extension of a hipped roof into a gable end on a semi-detached dwelling would not usually be considered favourably, especially in the case of a two-storey house. The cumulative effect of a combined roof extension and dormers is unlikely to be acceptable since the resulting works would probably be out of scale and proportion with the original dwelling."

6.18 In relation to this guidance, we consider it vital to acknowledge that the Appeal proposals have been designed to accord with this guidance. Specifically, the dormers are to be kept well below the ridge level of the existing roof and will not project as far as the walls of the house. A large amount of the original roof slopes to both sides will be clearly visible. The existing roof is pitched, rather than hipped. The existing property is not Listed, nor sited within a heritage or character designation, and the property is not of an 'older style' – therefore the principle of flat roof dormers should be acceptable. Further the dormers are of a design and

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position (to the side roof slopes, and not the front of the existing property) to ensure that the alterations will respect the scale, character and appearance of the property, and will not be out of proportion. Therefore we are of the firm opinion that the Appeal scheme is in compliance with the LPA's relevant guidance document.

6.19 In any case, we consider it vitally important to acknowledge that this document forms planning guidance, rather than policy. Within the document itself the LPA confirm that *"each application must be considered on its own particular merits"* (paragraph 3.1 page 9). Therefore, we are of the view that only limited weight should be applied to this document. In any case, it is our view that this document should be applied flexibly, and not slavishly – after all, it is simply guidance, and attention must be given to the established character of the locality as well as other material planning considerations. Failure to acknowledge this would lead to uniform and visually unexciting developments that do not respect local character or lead to diversity in built form and appearance, which in itself adds to the vibrancy and intrinsic personality of an area.

6.20 Therefore, in the context of the area in which the Appeal site is located, and in view of the planning precedent that has been clearly set by way of alterations to a large number of neighbouring properties roofslopes, it is our view that the proposed side dormers would appear in keeping with the dwelling house and would not detract from the character and appearance of the surrounding residential area. The proposal would be in general compliance with **policy 15** of the Adur Local Plan 2017, the Council's Development Management Standard No.2 *"Extensions and Alterations to Dwellings"*, and the relevant paragraphs of the National Planning Policy Framework relating to good design.

6.21 It is acknowledged that planning proposals can only be considered as they have been submitted. In this case the householder proposals include a variety of

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elements, of which the addition of dormers is just one. However, and notwithstanding the above, it is considered relevant to note that Dormers and other alterations to the roof of a housed can be carried out under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. In this case, if the proposals did not include the increase in the height of the properties roof ridge, then dormers could be added under the terms of this part of the GPDO. For the sake of completeness, Class B reads as follows:-

"Class B – additions etc to the roof of a dwellinghouse

Permitted development

B. *The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*

Development not permitted

B.1 *Development is not permitted by Class B if—*

(a)permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b)any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c)any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d)the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i)40 cubic metres in the case of a terrace house, or

(ii)50 cubic metres in any other case;

(e)it would consist of or include—

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(i)the construction or provision of a verandah, balcony or raised platform, or

(ii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(f)the dwellinghouse is on article 2(3) land".

6.22 The proposed dormers would not exceed the highest part of the existing roof (b) and nor would they extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway (c). Further, the proposal would not consist of or include the provision of a veranda, balcony or raised platform of the installation of a chimney (e). Finally, the appeal proposal is not located on article 2(3) land.

6.23 In this instance planning permission would therefore only be required for side dormers if they were to exceed 50 cubic metres. The Appellant's architect prepared draft drawings showing the dormers within the above restrictions, which demonstrates that with some modest alterations to the design of the proposed plans, the bungalow could be extended with similar dormers to that which form part of the Appeal scheme, but without the need to apply for Planning Permission. This drawing is attached to this Statement at Appendix A. Evidently the resultant development would create larger more dominant dormers, which would have a much greater impact than that proposed by way of the Appeal Scheme. This 'fall back' position is a material consideration, which we consider further weighs in favour of allowing this Householder Appeal.

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7 OTHER MATTERS

(i) Residential Amenity

7.1 The Appeal site is located within a residential area, adjoining detached bungalows to either side. The rear garden area backs on to open land.

7.2 **Policy 15** of the Adur Local Plan relates to the proposal stating that development should amongst other thing *"make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space…"*

7.3 The LPA, within their Officer's report considered the issue of residential amenity in detail and drew the following conclusions:-

"No. 19, to the north has two secondary living room windows on the side elevation closest to the rear of the property and a dining room window nearer the front. The proposed side extension will take development to 1 metre of this shared boundary. The front dining room window will continue to receive light and an outlook to the front of the application site. The secondary living room windows will experience a loss of light but as this room has its main outlook and windows in the rear wall this is not considered to be significant. The two storey element of the rear extension is barn ended and will not break a 45 degree angle when measured from the centre of no. 19's rear patio windows.

No. 15, to the south, sits deeper into its rear garden than the application site. It has a car port and driveway on it north side, the shared boundary with the site. It has a hall, WC and secondary kitchen window in its north wall and gable bedroom window. This bedroom is primarily served by the front dormer window. The two-storey rear extension proposed does not extend as deep as the secondary side kitchen window at No. 15. The additional single storey element does not extend as deep as 19's rear wall and is well removed from the boundary.

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The side dormers have bathroom windows in them and secondary bedroom windows shown as having a cill height at 1.7 metres above floor level. All windows should be obscurely glazed too. ***No loss of privacy would occur".***

7.4 We can confirm that our client would be happy for windows to be obscure glazed, provided that the Inspector considers this to be both reasonable and necessary.

7.5 It is our view that the proposal would have an acceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space in full compliance with Government guidance and **Policy 15** of the Adur Local Plan.

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8 CONCLUSIONS

8.1 A site visit is recommended in this case, as this will assist the Inspector in noting that the proposed dormers would be of an appropriate size, bulk and positioning that would sympathetically relate to the main dwelling and would not detract from the established character of the surrounding residential area.

8.2 Based on the LPA's decision notice, the **only** issue relating to the consideration of this Appeal proposal is the size, bulk and positioning of the proposed side Dormers.

8.3 It is important to note that all other aspects of the appeal proposals, which includes the erection of a single storey side and single storey rear extension, and the proposed replacement roof over the extended bungalow, whilst lifting the ridge height by 1 metre **have been accepted by the Council.**

8.4 The Appeal site is located within the defined built-up area boundary, where the principle of new development is accepted subject to other policies in the plan.

8.5 The Appeal property is not Listed, nor is it considered of any special architectural merit. The site is not located within a Conservation Area.

8.6 As outlined above, a clear planning precedent for the addition of both flat and pitched roof dormers to both side and front roof slopes has been set within the surrounding area.

8.7 In the context of the area, and in view of the planning precedent that has been set, it is our view that the proposed side dormers would appear in keeping with the dwelling house and would not detract from the character and appearance of the surrounding residential area, in compliance with **policy 15** of the Adur Local Plan

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2017, the LPA's Development Management Standard No.2 'Extensions and Alterations to Dwellings', and the relevant paragraphs of the National Planning Policy Framework relating to good design.

8.8 Notwithstanding the above, it would be possible to erect dormers to the side roof slopes of the existing bungalow provided that the ridge of the roof was not increased, and they did not exceed 50 cubic metres under the properties own Permitted development Rights. This represents a 'fall-back' position for the Appellant, and this is therefore a material planning consideration.

8.9 The proposal would have an acceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space in full compliance with Government guidance, **Policy 15** of the Adur Local Plan, and guidance set out in the Council's Development Management Standard No. 2.

8.10 In summation, the Appeal Scheme meets all the necessary policy requirements, and will not detract from the character of the building or surrounding residential area. Nor would the proposals cause any demonstrable harm to the residential amenities of occupiers of neighbouring properties. In our opinion the overwhelming weight of evidence supports the Appeal proposal as it is shown to comply with all relevant Policies within the newly adopted NPPF.

8.11 The above comprises our own professional assessment of the Appeal scheme.

8.12 Therefore we respectfully request that this Householder Appeal be allowed and that planning permission is granted for the proposed development.

June 2018

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