St. Roy.

Appeal Decision

Site visit made on 10 November 2008

by S J Emerson BSc DipTP MRTPI

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

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Decision date:
24 November 2008

Appeal Ref: APP/M3835/A/08/2077117
167 Dominion Road, Worthing BN14 8LD.

- 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 Mrs Nikki Kriel against the decision of Worthing Borough Council.
- The application Ref WB/07/1281/FULL, dated 16 October 2007, was refused by notice dated 10 December 2007.
- The development proposed is a rear conservatory.

Procedural Matter

1. The foundations and brick side and rear walls on which the glazed parts of the conservatory would be erected have already been constructed. The application is thus, in part, retrospective and I have considered it as one made under Section 73(A) of the Act.

Decision

2. I allow the appeal, and grant planning permission for a rear conservatory at 167 Dominion Road, Worthing in accordance with the terms of the application, Ref WB/07/1281/FULL, dated 16 October 2007, and the plans submitted with it (drawing nos. 09-07-31A & B).

Main issue

3. The main issue is the effect on the living conditions of the adjoining occupiers at 165 Dominion Road, with particular regard to daylight, sunlight and outlook.

Reasons

4. No 167 is a mid terrace property. The rear elevation of the building has a staggered façade. The proposed conservatory would occupy the full width of the house and project about 4.4m on the boundary with No 169. This would match the depth of the conservatory at that property and hence there is no adverse effect on the occupiers of No 169. The proposed conservatory would extend 3.7m on the boundary with No 165, projecting by that distance from the rear wall of No 165. The greater part of the side walls of the conservatory would be in brick. These walls have already been built. The wall alongside No 165 is comparable to the height of the existing solid boundary fence. On top of the walls would be the glazed parts of the conservatory with an eaves height of about 2.2m. The glazed roof would have a shallow slope and rise away from the side boundaries.

5. No 165 has glazed doors (with further windows either side) in that half of the rear elevation closest to the boundary with the appeal property. The other half

of the rear elevation projects about 0.6m from these doors/windows. The doors/windows are to the south east of the proposed conservatory. The conservatory would not interrupt any direct sunlight falling on this glazing, other than possibly for a short spell of oblique late evening sunshine in the summer. Given the south westerly orientation of the glazed doors/windows of No 165 and the modest height of the conservatory on the boundary, I consider that that there would be no noticeable loss of light within the room served by them. I recognise that the outlook from these windows is slightly curtailed by the existing ground floor projection of the house, but this projection is short and is not a dominant feature. The proposed conservatory would result in the loss of a small element of the oblique outlook currently available over the top of the boundary fence. In my view, this loss would not make the outlook from the room oppressive or excessively narrow. Only glazed elements of the proposed conservatory would be visible from within No 165 and thus the extension would have less solidity and visual dominance than a conventional extension.

6. I consider that the proposed conservatory would not have an unacceptable impact on the living conditions of the occupiers of No 165. There is no conflict with part (iii) of Policy H16 (alterations and extensions to dwellings) of the Worthing Local Plan 2003. The policy goes on, however, to indicate that proposals which do not accord with the detailed advice in the Council's Design Guidance will not normally be permitted. The guidance indicates that harm to the amenity of adjoining dwellings can normally be overcome by ensuring that single storey extensions do not project more than 3m from the rear wall of the original dwelling house. The proposed conservatory adjoining No 165 exceeds this distance. But the Guidance indicates that this depth may need to be reduced or can be increased depending on site specific circumstances and gives some examples. I have assessed the appeal on its site specific merits, taking into account the orientation of the extension in relation to the adjoining dwelling and the design of the structure. I have found the development would not harm the living conditions of the adjoining occupiers at No 165 and I see no material conflict with the aim of the Council's Design Guidance and thus no conflict with the remainder of policy H16.

7. Given that the development has already commenced there is no need for a commencement condition. I consider that the red bricks used for the walls of the conservatory are acceptable and there is no need for further details to be approved. Given the modest amount of work required to finish the development, I see no need to restrict the hours during which construction can take place. No other conditions are suggested or are necessary.

Simon Emerson

INSPECTOR