

Appeal Decision

Site visit made on 14 November 2016

by Timothy C King (BA Hons) MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/U1430/D/16/3155590
Draycott, Primrose Hill, Fairlight, TN35 4DN

- 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 & Mrs N Chatfield against the decision of Rother District Council.
 - The application Ref RR/2016/989/P, dated 11 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is a '*loft conversion with dormer window*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a roof extension with dormer window at Draycott, Primrose Hill, Fairlight, TN35 4DN, in accordance with the terms of the application Ref RR/2016/989/P, dated 11 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 5098/LBP, 5087/Ex, 5087/1 and 5087/2.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The conversion of the loft itself does not constitute development and I have altered the proposal's description to focus on the actual development involved.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to those of the adjacent property, Springtime.

Reasons

4. The appeal dwelling is a small bungalow set off a narrow road, and located in an area characterised by bungalows, albeit of differing sized and styles. Land levels rise as one proceeds northwards up Primrose Hill. As such, Springtime
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which, due to roof extensions to both its front and rear elevations, has taken on the appearance of a dormer bungalow, and is situated on higher ground. This bungalow is set in from its side boundary, common with Draycott, the appeal bungalow.

5. It appears that Draycott has been previously extended by means of a flat-roofed, side addition, and the proposal seeks permission to project the main roofline across the extension. The resultant gabled-end would be set in some 1.2m from the common boundary with Springtime. In addition, a dormer extension is proposed to the bungalow's rear roofslope. Modest, in terms of its size and positioning the rear dormer would contain two windows lighting the new bedroom that would be created.
6. In referring to the Council's reason for refusal, its concerns relate to what it considers to be the proposal's overbearing effect on Springtime's rear garden and overlooking from the proposed dormer extension's windows. Given the relative physical arrangement I am unclear as to how exactly the proposed gable-end and rear dormer would be unduly overbearing on Springtime's rear garden. Further, rear dormer extensions to residential properties are common features and, in this instance, as its windows would face straight down its back garden, overlooking of the neighbouring property's garden would be no more than could be expected from first floor windows in a typical residential arrangement. Indeed, as mentioned, Springtime itself has a rear dormer extension with a centrally placed window.
7. Notwithstanding the above I have had regard to the appellant's fall-back position, as to what could be built under the householder permitted development entitlement. Under Class B of the Town and Country Planning (General Permitted Development) Order 2015, subject to certain provisos, which are satisfied here, a detached house may have its roof extended to a cubic volume increase not exceeding 50 cubic metres without the need for planning permission.
8. In this particular instance, by my calculations taken from the submitted plans, I estimate that the proposed additions would amount to an increase of some 55 cubic metres, and planning permission is thereby required for the proposal and its two elements.
9. In the circumstances, even if I was to consider the proposal as unacceptable, I am mindful that, with a slight reduction in the proposal's cubic volume, a similar development could be implemented which would not require the benefit of planning permission. However, in view of my findings, whilst a consideration, the fall-back position has not affected my conclusions.
10. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with the aims of Policy OSS4 of the Rother Local Plan Core Strategy.
11. For the above reasons, and having taken into account all matters raised, the appeal succeeds.
12. In terms of conditions, apart from the statutory time limit, in the interests of certainty I impose a condition requiring that the development be implemented

in accordance with the approved plans. A condition is also imposed requiring the use of materials to match those of the existing dwelling.

Timothy C King

INSPECTOR