
Appeal Decision

Site visit made on 13 October 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 05 January 2017

Appeal Ref: APP/L3815/D/16/3150546

39 Ormonde Avenue, Chichester, West Sussex PO19 7UX

- 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 Baker against the decision of Chichester District Council.
 - The application Ref CC/15/04197/DOM, dated 15 December 2015, was refused by notice dated 1 March 2016.
 - The development proposed is conservatory to be installed at rear of property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council, in its decision notice, refers to its Planning Guidance Note 3 entitled Design Guidelines for Alterations to Dwellings and Extensions (DGADE). I have applied some weight to that document due to its role in supporting the relevant development plan policies.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 37 Ormonde Avenue in respect of outlook.

Reasons

4. The proposed extension, combined with the existing single storey rear element to the dwelling would result in a total projection from the rear elevation of the main house of 6 metres in very close proximity to the shared boundary with No 37. No 37 has a habitable room window relating to a kitchen close to the boundary between the two properties. Given that close relationship, the degree of projection of the proposal, together with its noticeable increase in height compared with existing screen fencing on that part of the boundary, would result in it having an overbearing and unacceptably enclosing effect on people using No 37's kitchen as well as the most private garden area closest to the rear of that house.
 5. For the above reasons, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 37 in respect of outlook. As such it would be contrary to Policies 1 and 33 of the Chichester District Local Plan and the DGADE which together relate to the presumption in favour of sustainable development and a requirement for new residential development
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to, amongst other things, respect neighbouring amenity. It would also be contrary to the National Planning Policy Framework which in paragraph 17 sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

6. Although the appellant highlights that no objection has been received from the occupiers of No 37, I have determined this appeal on its planning merits taking into account all material considerations.

Conclusion

7. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR