

Appeal Decisions

Site visit made on 17 January 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 06 February 2017

Appeal 'A' Ref: APP/L3815/W/16/3159592

Appeal 'B' Ref: APP/L3815/W/16/3159817

22 Seafeld Close, East Wittering, West Sussex PO20 8DP

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
- The appeals are made by Mr B Agostinelli against the decisions of Chichester District Council.

APPEAL 'A'

- The application Ref EWB/16/00311/FUL, dated 28 January 2016, was refused by notice dated 27 April 2016.
 - The development proposed is described as: *"Extension and conversion of single storey detached dwelling, to form two 2-storey semi-detached dwellings, including demolition of existing garage and outbuildings"*.
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APPEAL 'B'

- The application Ref EWB/16/01793/FUL, dated 24 May 2016, was refused by notice dated 14 September 2016.
 - The development proposed is described as: *"Demolition of garage and outbuildings, extension and loft conversion of detached bungalow"*.
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Decisions

1. Appeal A is dismissed.
 2. Appeal B is allowed and planning permission is granted, for the demolition of the garage and outbuildings and for the carrying out of an extension and loft conversion at 22 Seafeld Close, East Wittering, West Sussex PO20 8DP, in accordance with the application Ref EWB/16/01793/FUL, dated 24 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: 1613-01 Rev A, 1613-04 Rev A, and 1613-05 Rev A.
 - 3) No development shall commence until details of the materials and finishes to be used on the external surfaces of the building have been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the details thus approved.
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Application for costs

3. An application for costs has been made by the appellant against the Council. That application is the subject of a separate Decision.

Main Issue

4. The main issue in both appeals is the effect of the proposals on the character and appearance of the area.

Appeal A

5. Seafield Close was laid out in around the 1960s or 70s, as an estate of single-storey bungalows. Over the years, a number have been altered or extended, and some have been converted to chalet-bungalows, with dormer windows and accommodation in their roofs. The appeal property, No 22, has been extended to the rear at ground floor level, but is otherwise largely unaltered.
6. The proposal in Appeal A is to extend and convert the existing building, to form two dwellings. The extensions would comprise a ground floor extension to the side, replacing the existing garage, conservatory and outbuildings, and a dormer-style roof extension to the rear, at first floor level.
7. The proposed dormer extension would be a flat-topped, box-shaped structure, covering almost the whole of the existing roof slope. Its upper surface would be virtually level with the existing ridge line, its rear face would extend out to the full depth of the main building, and the width would encompass almost the full width of the existing building plus the proposed side extension. The cheeks would be set in slightly from the flanks of the extended building, but by only a small amount. As such, the new dormer would be an ungainly and unsympathetic addition, out of scale with the existing dwelling, dominating it visually, and bearing little or no relation to it in design terms.
8. Given its position on the rear side of the building, public views of the dormer would be limited to the angled views obtainable between No 22 and its immediate neighbours, and I appreciate that on one side the gap between Nos 22 and 23 would be reduced from what is available now. But nevertheless, the dormer would still be clearly visible. And although the viewpoints would be limited, it seems to me that due to its visually jarring nature, the structure now proposed would be particularly noticeable.
9. I accept that amongst the other developments and building alterations now found in Seafield Close, there is a wide variety of shapes and sizes of roof extensions and dormers, including some that either reach to the ridge line, or project to the face of the building, or span its width or length. But in the present appeal, the proposed design combines all of these features together. I am not aware of any other developments in Seafield Close which share this combination; and even if there are any, they are not so numerous as to be typical of the area.
10. Moreover, whilst I agree that the street's character has become more varied, this does not necessarily mean that 'anything goes'. Indeed, many of the developments and alterations that have taken place in recent times, such as those at Nos 2, 3, 7, 10, 12 and 18 Seafield Close, are to my mind attractive and high quality developments, which have evidently raised the area's overall quality and character, and in some cases strikingly so. I also note the

- permission recently granted at No 24. But unlike these, the large flat-topped roof structure proposed in Appeal A would detract from the area.
11. I appreciate that, within certain limits, a dormer window on the rear of a dwelling may often constitute permitted development. However, the present proposal exceeds those limits, and there is no clear evidence before me as to the possible size or design of an alternative structure which could be built without planning permission. In any event, the subdivision of an existing single dwelling into two units falls outside any permitted development rights. I also accept that, with the demolition of the existing garage, conservatory and outbuildings, there would be a net reduction in building footprint, but this does not change my view as to the harmful impact of the proposed addition at first floor level.
 12. In addition, the proposed development in Appeal A would include off-road parking for two vehicles per dwelling. The submitted plans show how this might be laid out, with two separate parking areas. Some potential spaces for planting and landscaping are indicated, but these would be essentially no more than narrow strips between and around the parking areas. It is also by no means evident that four cars could manoeuvre into or out of the positions shown, without reducing these planting strips still further, particularly on the front boundary. Even if this layout were reconfigured in some way, it seems likely that, to accommodate the parking needed for two separate dwellings, the great majority of the front garden area would need to be hard surfaced.
 13. I appreciate that many other properties in Seafeld Close have parking to the front of the dwelling, and in a few cases this extends to the whole of their former front garden area. But those are exceptions. At the great majority of properties, parking is confined to a limited area of hardstanding, with the remainder being retained as garden, giving the street as a whole a well-landscaped appearance. On the evidence before me, the development now proposed would result in a substantial reduction in greenery, to be replaced by a significant increase in hard surfacing and parked vehicles. I appreciate that the surfacing materials could be controlled by condition, but nonetheless, the frontage area would inevitably lose the appearance of being a garden, and this would detract further from the street scene. I am aware that in some cases the laying of a hardstanding may be permitted development, but there is no evidence before me as to how the scheme now proposed compares in this respect.
 14. Overall therefore I conclude that the proposed development in Appeal A would have a significant detriment impact on the area's character and appearance. As such, it would not accord with Policy 33 of the Chichester Local Plan, adopted in June 2015 (the CLP), which amongst other things requires developments to meet high standards of design, and to respect the character of the surrounding area.
 15. I note that a S.106 obligation has been entered into with regard to mitigation for any impacts on the Chichester and Langstone Harbours Special Protection Area. However, in view of the above, this does not affect my decision.
 16. I have taken account of all the other matters raised, and also the potential benefits of adding to the local housing stock, but this does not outweigh the harm that I have identified. Appeal A is therefore dismissed.

Appeal B

17. In Appeal B the proposal is to extend the existing dwelling at ground floor level, in a similar fashion to Appeal A, and again to create a second story within the roof, including a dormer-style roof extension. Whilst all of these elements would be broadly similar to the earlier proposal, there are also some notable differences. Firstly the main eaves and ridge would be raised above their present heights. Secondly the proposed dormer would have a sloping roof; and it would be set below the new ridge line, and slightly recessed from the rear face of the building. And thirdly the building would remain as a single dwelling.
18. The changes to the design of the proposed dormer are relatively small, but nevertheless significant. The sloping roof, reduced size, and lower position relative to the main ridge, would all give this element a softer, less assertive appearance. These differences compared to the Appeal A proposal are subtle, but in my view the resulting design in Appeal B pays sufficient regard to the existing building to be acceptable in this location.
19. The increase in the existing eaves and ridge heights would be noticeable, and would make No 22 visibly different from those of its neighbours that share the same original design and remain unaltered. However, as I have noted above, I saw on my visit that many of the original dwellings have been substantially altered, including some with changes to their eaves and ridge heights not dissimilar to those in the present proposal. And despite being different from the original designs, some of these developments, and particularly the more recent ones, have clearly changed the area for the better. In this context, I consider that the small increase in height now proposed would be in keeping with the character of the street scene as a whole
20. As a single dwelling, the property would require less parking space than that previously proposed, and despite the loss of the existing garage, the submitted plans show that this could be achieved whilst still retaining about half of the front garden for planting. To my mind this would achieve an acceptable balance, retaining sufficient greenery to maintain the street frontage's well-landscaped appearance.
21. In the light of these considerations, I find that the proposed development in Appeal B would adequately respect the character and appearance of the surrounding area, and meet an acceptable standard of design. It would therefore accord with the aims of the most relevant elements of national policy as set out in paragraphs 17 and 58 of the National Planning Policy Framework.
22. I note the Council's reference to CLP Policies 1 and 33, but in the light of the above, Appeal B does not conflict with either of these policies. I also note the contents of the 'Design Guidelines for Alterations to Dwellings and Extensions', but no specific conflict with this advice has been identified. In any event, none of these outweighs my findings as set out above.
23. Having taken account of all the other matters raised, I conclude that planning permission should be granted. A condition is needed regarding materials and finishes, to ensure a satisfactory standard of development, and compliance with the approved plans is required in the interests of certainty and proper planning. Subject to these conditions, as set out at paragraph 2 above, Appeal B is allowed.

John Felgate INSPECTOR