

# Appeal Decision

Site visit made on 28 April 2017

**by S Poole BA(Hons) DipArch MPhil MRTPI**

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

**Decision date: 16 May 2017**

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**Appeal Ref: APP/L3815/D/17/3170502**

**42 Guilden Road, Chichester PO19 7LA**

- 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 Colin Keers against the decision of Chichester District Council.
  - The application Ref CC/16/03755/DOM, dated 11 November 2016, was refused by notice dated 10 January 2017.
  - The development proposed is the demolition of existing side extension and rear conservatory and erection of a two side storey extension and a single storey rear extension.
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## Decision

1. The appeal is allowed and planning permission granted for the demolition of existing side extension and rear conservatory and erection of a two storey side extension and a single storey rear extension at 42 Guilden Road, Chichester PO19 7LA in accordance with the terms of the application, Ref CC/16/03755/DOM, dated 11 November 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 drawings submitted with the planning application on 11 November 2016 entitled "sheet 1 of 3"; "sheet 2 of 3" and "sheet 3 of 3".
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of 41 Guilden Road, with particular regard to natural light and outlook.

## Reasons

3. The appeal property is a 2-storey detached house with a single-storey element to one side and a conservatory at the rear. The proposal would comprise the replacement of the side element with a 2-storey addition and the replacement of the conservatory with a single-storey addition of similar footprint.
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4. The 2-storey element would greatly increase the height and bulk of development next to the boundary shared with 41 Guilden Road. As a consequence there would be a reduction in the level of daylight and sunlight reaching windows in the flank elevation of No. 41 and a reduction in outlook from the internal spaces served by these windows. The Council suggests that there is a "main amenity room window" in the flank elevation of No. 41. Based on my observations, and in the absence of any evidence to the contrary, I consider it likely that the windows in the side elevation of No. 41 provide natural light to, and outlook from circulation areas, non-habitable rooms or provide a secondary source of light to rooms with windows facing the street or rear garden.
5. For these reasons I am satisfied that the reduction in natural light to, and outlook from, No. 41 would not have an unacceptable impact on the living conditions of the occupiers of the property. The proposal therefore complies with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 which seeks development that respects neighbouring amenity. It also complies with the aims of the National Planning Policy Framework (2012).

### **Conditions**

6. Having regard to paragraph 206 of the National Planning Policy Framework (2012), I have considered the conditions suggested by the Council. For the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with the approved plans is imposed. In order to adequately protect the appearance of the property and its surroundings a condition requiring the materials to be used to match the existing is warranted.

### **Conclusion**

7. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*S Poole*

INSPECTOR