



Appeal Decision

Site visit made on 24 October 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 9 January 2018

Appeal Ref: APP/Z3825/W/17/3179460

Pathfield Cottages, Cross Lane, Barns Green RH13 0QF

- 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 Richard Greenwood and Russ Quilter against the decision of Horsham District Council.
 - The application Ref DC/17/0562, dated 10 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is extension of numbers 1 and 2 Pathfield Cottages.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of those in the neighbouring house to the east with special reference to visual impact and loss of light.

Reasons

Impact on neighbour's living conditions

3. The proposal is to extend 2 semi-detached houses. They are Victorian style cottages with a joint 2 storey gable end rear extension. It is proposed to extend them further out to the back and side at both 1 and 2-storey level. Also proposed is a joint front porch extension. It is proposed that the extensions be carried out jointly. The closely located house to the east is not dissimilar to the appeal properties both in relation to its design and location on the plot.
4. The Council has no objection to the front porch extensions and the rear and side extension of No. 1. Its concerns are limited to the extension to No. 2. This part of the proposal would extend the existing 2-storey extension rearwards and create a mono pitch single-storey extension to its side and rear.
5. Like the Council I consider the proposed 2-storey extension to No. 2 to be set back sufficiently at the side and rear as to cause no unacceptable harm to the amenities of those in the neighbouring house to the east. However, the single-storey extension would come close to the side boundary of the appeal site with this property. The proximity of the proposed single storey element of the extension to the side boundary, and its degree of projection rearwards, would be such as to make it appear over dominant and intrusive when seen from this

neighbouring property. It would, given its eaves height, be notably more intrusive than the boundary fence.

6. In the absence of more comprehensive evidence from the Council I consider that it is not been proven that there would be an unacceptable loss of light to those in the neighbouring property. However, this does not detract from the harm I found on visual impact.
7. The appellant has provided evidence of an alleged fallback position in the event of permission not being granted based on what may be carried out as permitted development. However, the single-storey extension as permitted development would not extend so far to the rear as the appeal scheme and as such would not have the same degree of harmful visual impact. The fallback position does not, therefore, provide justification for allowing the appeal. Without clearer explanation I see no reason why other permitted development rights should support the proposal.
8. It is concluded that the proposed development would unacceptably detract from the living conditions of those in the neighbouring house to the east with special reference to visual impact. As such it would conflict with Policy 33 of the Horsham District Planning Framework (2015) which seeks to prevent unacceptable harm to adjoining occupiers.

Other matters

9. Many concerns have been raised beyond those of the Council. However turning to the main points raised there is no substantial evidence to support concerns on altering the balance of the housing stock. Even if the proposed development resulted in additional car parking nothing that I saw suggested that this would be unacceptably detrimental to highway safety and there is no professional evidence to the contrary. It unlikely that any significant additional noise and disturbance would arise from occupying the extended houses and concerns over noise and disturbance during rebuilding operations could have been dealt with by condition had I been minded to allow the appeal. Although windows in the proposed extension would look onto the neighbouring property the boundary fence would prevent any unacceptable loss of privacy. Windows to be inserted in the side wall of the existing house would not, looking onto a passageway, cause an undue loss of privacy. However, lack of harm in these respects does not make the proposal more acceptable given the harm found on the main issue.

Conclusion

10. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR