

Appeal Decision

Site visit made on 13 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/L3815/D/19/3226469

33 Marine Drive, West Wittering PO20 8HQ

- 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 James against the decision of Chichester District Council.
 - The application, Ref. WW/18/03332/DOM, dated 13 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is a loft conversion and 2 storey side extension plus widening of the existing drop kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed extensions on the character and appearance of the host dwelling and its surroundings, and (ii) the effect of the proposed first and second floor alterations on the living conditions of adjoining and nearby occupiers as regards privacy.

Reasons

3. On the first issue, the Council is concerned that the combination of the first floor extension and roof extensions would erode the sense of space around the building, which would be dominant as regards the host dwelling and harmful to the character and appearance of the street scene and visual amenities of the area. I understand and to an extent agree with the Council's point on this and note that the reduction in the gap at first floor and above-eaves level to No. 35 is of particular relevance. In this context, the ridge height of the altered no 33 would also be slightly higher than that of No. 35 and the siting of the house is skewed so that at the rear it touches the boundary of that property.
 4. However, the extension of a roof to form side gables is far less bulky than it appears, as the 2-dimensional plans do not convey the reality of the roof sloping away, for example in the elevation and street scene drawings. And overall, I regard the proposal as a greatly improved architectural composition compared to the existing building. I also saw on my visit that the random development pattern with a wide variety of building types, shapes, sizes and sitings does in fact include a number of buildings that are tight to one or more of their boundaries.
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5. Whilst these are mitigating factors, they do not entirely address the first reason for refusal. And on balance I conclude that the introduction of a cropped / barn hip feature on the gable adjoining No. 35 or some alternative remedial measure to reduce the perception of bulk is needed. This would avoid the appeal scheme having an adverse effect on the character and appearance of its surroundings in harmful conflict with Policy 33 of the Chichester Local Plan 2014-2029 and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework'). The Council has cited other Local Plan policies, but I do not regard them as being directly relevant.
6. Turning to the second issue, it is readily apparent that the appeal dwelling, together with No. 24 & 45 Marine Close and 31 & 35 Marine Drive, are a tightly knit group of buildings where any development proposals as regards one property will have a propensity to affect the living conditions for the occupiers of the others, in particular as regards privacy and outlook.
7. The Council's objection in this case, supported by neighbours, is that *'the proposal would not be sufficiently distanced, orientated and designed so as to have an acceptable effect on the amenities of the neighbouring properties, particularly to their outlook and privacy'*. As with the first main issue, I am partly but not wholly in agreement with the objections. There are already views of neighbouring gardens from the first floor windows of No. 33 and in almost any areas of medium to high density there are downward views into neighbouring gardens from bedroom windows. And again, the proposed rear elevation would be superior in its design and appearance than the existing.
8. However, in this case there is effectively a double row of buildings given the rearward siting of Nos. 31 and 45, whilst in addition the appeal scheme involves moving the living room to the first floor and the bedrooms to the ground floor. In fairness, the design and layout of the appeal proposal makes some attempt to address the potential for overlooking with the shallow depth of the first floor 'service terrace' and the recessed form of the second floor 'serviced terrace'.
9. However, this factor notwithstanding, it is difficult to reconcile the appellants' understandable desire to have an element of external amenity or balcony space at the rear of the dwelling with the neighbours' reasonable concerns of intrusive overlooking. I am not currently convinced that the 'service terraces' on the first and second floors, possibly together with the nearest areas of floorspace facilitated by subsequent alterations not requiring planning consent, would not also be used as amenity areas thereby materially affecting the privacy of the adjoining and nearby occupiers.
10. Whilst I do not necessarily consider there to be a need for a fundamental re-design, there ought to be further measures built in to the scheme that in conjunction with conditions would preclude this occurring. (I note from the consultation responses that in the similar situation at No. 24 there was a restriction on the permission that the cill level of the window should not be less than 950mm above the finished floor level). With the appeal proposal at present, even the recess at second floor level and the addition of side screens on the first floor terrace would not prevent the direct views into the small rear garden of No. 31.

11. The appellants have cited a 'fall back' in the form of the use of the existing flat roof for amenity purposes being immune from enforcement action. However, whilst I acknowledge the presence of this fall-back, I can give it only limited weight in my Decision. This is because its implementation would appear to be inconsistent with the objectives of the significant changes to the layout and appearance of the dwelling to substantially upgrade the quality of the living space and the appearance of the dwelling.
12. On balance, I consider on this issue that in its present form the appeal scheme would have a harmful effect on the privacy of the neighbours in conflict with Local Plan Policy 33 and paragraph 127f) of the Framework.
13. For the reasons explained in relation to both main issues and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR