



Appeal Decision

Site visit made on 9 July 2019

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/D3830/D/19/3226788

6 Elger Way, Copthorne RH10 3JJ

- 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 Keith Chambers against the decision of Mid Sussex District Council.
 - The application Ref DM/19/0065, dated 4 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is described on the planning application form as "3.8m rear extension. Tile hung gable end to extension 'roof' area. Loft conversion incorporating 4 no. dormer windows. The work will entail new roof construction incorporating a small area of flat roof in order to keep within existing height".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling, locality and the streetscene.
 - The effect on the living conditions of the occupiers of the adjacent dwelling at 7 Elger Way, with regard to privacy.

Reasons

Character and appearance

3. The appeal concerns a detached bungalow with a hipped roof. Elger Way is a cul de sac that is characterised by such dwellings so that there is a reasonable degree of cohesion to the streetscene. The Appellant makes a generalised reference to dormer extensions in Copthorne and elsewhere and I have considered the photographs of such development that have been submitted. However, within Elger Way examples of dormer additions are relatively few in number and where they exist tend to be fairly modest in size or are not readily visible from the street.
4. In this instance there would be two dormer additions to each side. The Council's Dormer Window and Rooflight Design Guidance (DG), August 2018, indicates that dormers should be set back from the front building line and below the ridge line of the roof. Although no specific dimensions are given for these gaps, such roof extensions should be visually subordinate to the

roofslope and not dominate it, while being small in scale. It is also suggested that the width of dormers should generally not exceed 1.2m.

5. However, the degree to which the dormer additions would be below the top of the roof is particularly limited with them virtually abutting it. The distance to the eaves, which the Appellant estimates at 0.3m, would also be fairly modest. Moreover, the width of these additions would significantly exceed 1.2m. Their excessive size and scale would be further emphasised by the gable ended form, providing a jarring and unsympathetic contrast with the hipped character of the host dwelling.
6. In these circumstances, rather than being subordinate the dormer additions would be poorly proportioned, overly dominant and bulky, contrary to the intentions of the DG. When looking towards the front from the street they would unacceptably detract from the hipped roof profile of the dwelling. This would occur because of their bulk and form resulting in them unduly intruding into the space above the hips of the main roof.
7. The presence of such features to both sides of the dwelling would be a relatively unusual, disharmonious and uncharacteristic feature in Elger Way. Furthermore, the DG advises that where dormer windows are not commonplace in the street scene they may not be permitted.
8. The dwelling is set back from the turning head at the end of the street. The roof extensions would have gaps to the front of the dwelling and therefore be further back from the road. However, despite these factors, the dormer extensions would be in a fairly prominent position at the end of the street on a dwelling that faces broadly down it. In consequence, the adverse effects I have described would be readily apparent from the street in Elger Way.
9. The rearwards extension would involve the enlargement of the main roof with a flat area and slopes to either side of this. The flat roof area would be overly large, dominating the rear elevation and resulting in an unduly squat and bulky appearance. It would also be unacceptably at odds with the pitched roof character of the host dwelling.
10. While this part of the extended dwelling would not be visible from the street, it would be apparent from the rear gardens of neighbouring dwellings. In any event, the suggestion that acceptability should be conferred on the basis of not being seen from the street seems to me to represent an implicit acknowledgement of the inappropriate nature of the development.
11. For these reasons, it is concluded that the proposal would harm the character and appearance of the host dwelling, locality and streetscene. Among other things, Mid Sussex District Plan 2014-2031 (MSDP) Policy DP26 seeks high quality design, which for the reasons given above would not be secured in this case.
12. I am reinforced in my view regarding the adverse impact and unacceptable nature of the development by the importance placed on design in the National Planning Policy Framework. This indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. The development plan is consistent with this Government policy with which the proposal would therefore also conflict.

Living conditions

13. During my site visit I was able to consider the effect of the proposal from the dwellings immediately to either side at 5 and 7 Elger Way. The host dwelling is set at an angle to these properties and the windows in the side dormer extensions would face towards their rear gardens.
14. Two of the windows are secondary, serving a bedroom, while another concerns an en-suite bathroom. In consequence, a condition requiring these to have obscured glazing and restricted opening would be reasonable. Moreover, in these cases this would adequately protect the privacy of adjacent residents and be enforceable by the Council in the event of being breached.
15. However, the other dormer would have the only window serving a room identified as an office. In this situation obscured glazing and limited opening would unacceptably compromise the quality of the environment for future occupiers of the enlarged dwelling. As a result, such a condition in relation to this window would not be appropriate.
16. Furthermore, the necessary clear glazing of this window would enable particularly intrusive overlooking of the adjacent garden at 7 Elger Way because of its elevated position and unduly close proximity. This would result in the neighbouring occupiers experiencing an unacceptable loss of privacy.
17. In consequence, the living conditions of the occupiers of the neighbouring property at 7 Elger Way would be harmed. There would be conflict with MSDP Policy DP26, the aims of which include seeking to prevent such detrimental effects.

Other considerations

18. The Appellant suggests that the appeal scheme is 'nearly' permitted development and that the view from the street in this case would not be any different to that arising from additions built using such rights. Plans have been submitted purporting to show what could be built without the need for planning permission.
19. However, there is nothing to show that the visual impact of such a fallback development would be any greater or more harmful than the appeal scheme. As a result, there would be no significant benefit in allowing the appeal, such as that which might arise from accepting a development in order to prevent a noticeably more damaging project being implemented. This matter is not therefore afforded any meaningful weight in favour of the appeal.
20. The rear extension would be angled away from the boundaries of the immediately adjacent dwellings. Because of this and the distance to the boundaries there would be no significant loss of daylight, sunlight or outlook at these properties. The inset nature of the balcony at the rear would prevent any undue overlooking from here.
21. The Council's decision notice refers to Policy COP04.1 of the Copthorne Neighbourhood Plan and a neighbour also refers to Policy COP04.4. However, because of the stage the emerging plan has reached these policies are subject to change and not therefore a significant consideration in this appeal.

Conclusion

22. Taking account of all other matters raised, there are no other considerations sufficient to justify accepting the development and because of the harm that would result the appeal fails.

M Evans

INSPECTOR