



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: 1 August 2019

Appeal Ref: APP/C3810/D/19/3226601

11 Beechlands Close, East Preston, Littlehampton, West Sussex BN16 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs K Wetherfield against the decision of Arun District Council.
 - The application Ref. EP/160/18/PL, dated 2 November 2018, was refused by notice dated 26 February 2019.
 - The application sought planning permission for the construction of a new pitched roof to the existing bungalow with dormer windows to the east and west roof slopes; extension to the south east and porch extension without complying with a condition attached to planning permission Ref. EP/45/17/HH, dated 15 May 2017.
 - The condition in dispute is No. 3 which states that: *'The materials and finishes of the external walls and roof of the buildings hereby permitted shall match in colour and texture those of the existing building'*.
 - The reason given for the condition is: *'In the interests of amenity in accordance with Policies GEN7 and DEV19 of the Arun District Local Plan'*.
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Application for Costs

1. An application for costs was made by Mrs K Wetherfield against Arun District Council. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect that varying the condition to allow the retention of the tiles fixed to the roof would have on the visual amenities of the area and its character and appearance.

Reasons

4. The reason for the condition, as stated in the header above, was to ensure that the development safeguarded the amenity and the environment of the area in accordance with Policies GEN7 and DEV19 of the Arun District Local Plan. However, in July 2018 the Council adopted the Arun Local Plan 2011-2031 ('the Local Plan') and now considers the relevant policies to be D DM1 & D DM4. In addition, Policy 1 of the East Preston Neighbourhood Plan is considered to apply.

5. Policy D DM1 requires development to have regard to key aspects including 'Appearance / Attractiveness' and specifically refers to the colour and texture of building materials. Policy D DM4 sets out a list of requirements for extensions and alterations to existing buildings. These include a stipulation that the extension or alteration should sympathetically relate to, and be visually integrated with, the existing building in siting, massing, design, form, scale and materials. Policy 1 of the Neighbourhood Plan requires, amongst other matters, the materials used in alterations to existing buildings to reflect the character of the surrounding buildings.
6. I saw on my visit that the appeal property adjoins the hammer head at the end of the cul-de-sac of Beechlands Close. In views along the road towards No. 11, this end of road position to some extent provides the dwelling a more discreet position and distinctive character. I note that the grounds of appeal pick up on these points in the officer's report for the original application for a new roof with dormers and also the view expressed in the report that the two-storey maisonettes at Chestnut Court and the dormers at Nos. 1-4 Beechlands Cottages and 16-19 Beechlands Close would enable the addition of acceptable change to the locality.
7. Whether or not that analysis was in the event sound, the fact is that the permission for the alterations and extensions to No. 11 was subject to the condition that the materials and finishes of the external walls and roof of the buildings should match in colour and texture those of the existing building.
8. However, the tiles actually used are in marked contrast to those previously on the building and the latter or very similar tiles in the form of a pale red / buff colour are also used for the nearby and adjoining properties on the same side of the Close. The 'dark grey, smooth shine finish' tiles stand out from any of the surrounding roofs and instead of helping to blend the substantially different roof within its immediate setting (the objective of the condition in the permission), they serve only to harmfully exacerbate its larger size and different form.
9. The result is that this combination of the scale and design of the roof to No. 11 and the choice of this particular tile results in it drawing the eye from whichever vantagepoint it is observed. These not only include views from the public realm in Beechlands Close but also in private views from the gardens of Nos. 15, 17 and 19 Vermont Way, with No. 17 particularly affected. I see no reason in this case to exclude these private views from '*the interests of amenity*' mentioned in the reason for the condition. And from my own observations on my visit, I share the assessment of the Council and local residents that the contrast in the roof covering with that of nearby dwellings has a significantly harmful effect on the visual amenities of the area and thereby its character and appearance.
10. The grounds of appeal explain that for technical reasons relating to the structure of the roof, in particular the dormers, it was not possible to use a matching tile. I am willing to accept this explanation, but it does not explain why the appellants did not consult with the Council during the construction of the roof to agree a replacement that would be both technically suitable and much more in keeping with the original building and its immediate surroundings. I do not agree with the appellant's case that a more varied

character including different roof coverings in the slightly wider area justifies the choice of tile.

11. I have taken all the other matters raised for the appellant into account but nonetheless conclude that the failure to comply with condition no. 3 of the original permission has had an unacceptably harmful effect on the visual amenities of the area and its character and appearance. This is in conflict with Local Plan Policies D DM1 & D DM4; Policy 1 of the East Preston Neighbourhood Plan, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019.
12. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR