



Appeal Decision

Site visit made on 28 August 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/Z3825/D/19/3229620

Mill House, Brooklands Farm, Countryman Lane, Shipley RH13 8PR

- 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 Henderson against the decision of Horsham District Council.
 - The application Ref DC/19/0260 dated 4 February 2019, was refused by notice dated 17 April 2019.
 - The development is described as a 'Retrospective application to regularise works underway to existing property including addition of new dormer window and reconfiguration of existing rooflights, re-cladding, internal layout and other material changes to property'.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a new dormer window and reconfiguration of existing rooflights, re-cladding, internal layout and other material changes at Mill House, Brooklands Farm, Countryman Lane, Shipley RH13 8PR in accordance with the terms of the application, Ref: DC/19/0260, dated 4 February 2019, subject to the schedule of conditions attached to this decision.

Procedural Matters

2. The original planning application was determined on a retrospective basis by the Council. At my site visit, I noted that the works relating to the various dormer windows and re-cladding had been undertaken at the appeal property. However, it was apparent that several of the other works associated with the development, which had also been undertaken, do not accord with the proposed drawings submitted with the appeal. Specifically, the ridgeline has three windows, but two windows are shown on the proposed drawings. In addition, several of the roof lights on the front and rear elevation of the appeal property appear to be smaller than shown on the proposed drawings. As such, I am determining this appeal on a part-retrospective basis.
3. The road is described as both Countrymans Lane and Countryman Lane on the planning application form. I have used the latter spelling.
4. In the interests of precision, I have amended the description of development within my formal decision.

Main Issues

5. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of Fieldhead, Brooklands Farm with particular regard to overlooking and privacy.

Reasons

Character and appearance

6. The appeal property is a three-storey residential dwelling situated within a small cluster of residential properties, collectively known as Brooklands Farm. The properties were originally used for agricultural and commercial purposes, but have now been converted into residential use. The residential cluster is surrounded by undeveloped grazing land, which gives the immediate area an intrinsically rural character.
7. The appeal property was historically used for bacon curing and therefore has a substantial and bulky roof form with an overall ridge height of approximately 13 metres. The property has three floors of habitable accommodation, with the first and second floors contained entirely within the property's roof. The property is of a traditional design with a brick and stone exterior under a clay tiled catslide roof, which includes two rear dormer windows and several rooflights to the front and rear.
8. The development consists of the alteration of an existing first floor dormer window on the rear elevation to form a hipped roof dormer with cedar clad cheeks; the alteration and extension of an existing first floor dormer on the rear elevation to create additional second floor accommodation; the installation of a ridgelight; the installation of rooflights to the front and rear elevation; and the installation of Cedar cladding to part of the property.
9. The Council argue that the enlarged dormer window on the rear elevation is excessive in size and of an inappropriate design, which causes harm to the character of the host building.
10. Notwithstanding the above, the acceptability of the other works to the appeal property have not been disputed by the Council. Based on my site visit, which included an assessment on the acceptability of the development when considered as a whole, I have no reason to disagree with the Council in respect of this matter.
11. The dormer window previously had a gable roof with a ridge height of approximately 3.6 metres and served a first-floor bedroom. The extension maintains the position of the dormer window and extends it upwards by approximately 1.8 metres to provide additional floorspace on the second floor. The extended dormer window has a hipped roof and has been designed to create a second-floor bay window, which serves a new master bedroom.
12. Whilst I accept that the enlarged dormer window is of a significant size, when it is viewed in the context of the host building, which has a substantial and bulky roof form, it is not a dominant feature. The enlarged dormer window is situated well below the ridge line of the host building and has a hipped roof, which lessens its overall mass. In terms of design, the overall appearance and

external finish of the enlarged dormer window is well related to the traditional design of the host building and surrounding properties.

13. In conclusion, the enlarged dormer window is of an appropriate design and has a subservient relationship with the host building, which safeguards the character and appearance of the area. As such, the development accords with Policies 28 and 33 of the Horsham District Planning Framework (excluding South Downs National Park) (2015) (the HDPF), which amongst other things, require house extensions to converted agricultural buildings to safeguard the original form and character of the host building and an overall high standard of design, which respects the character of the surrounding area.

Living conditions

14. To the rear of the appeal site is the neighbouring residential property, Fieldhead, Brooklands Farm. Fieldhead is laid out perpendicular to the appeal site and the blank side elevation, faces the rear elevation of the appeal property. On the front elevation of Fieldhead there are first-floor balconies, with a gravel parking area and a large front garden beyond. To the rear of Fieldhead, there is a large rear garden area and the boundary to the appeal site is defined by a tall coniferous hedgerow.
15. The submitted plans show that obscure glazing would be installed within the side facing window and the adjoining rear facing window of the enlarged dormer window at second floor level. The obscure glazing would prevent long distance views of the neighbouring rear garden from the corner of the bay window.
16. Whilst I acknowledge that the development introduces additional window openings to the rear of the appeal property, given the degree to which the existing upper floor dormer windows and rooflights on the rear elevation of the appeal property overlook the front garden, first floor balconies and rear garden of the neighbouring property and the separation distance between the two properties, in addition to the provision of obscure glazing, which would limit long distance views over the rear garden, I consider that the development does not result in a significant loss of privacy for the neighbouring occupiers of Fieldhead.
17. For the collective reasons outlined above, I conclude that the development does not cause significant and demonstrable harm to the living conditions of the occupiers of Fieldhead, Brooklands Farm with particular regard to overlooking and privacy. As such, the development accords with Policy 33 of the HDPF, which amongst other things, requires development to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Other Matters

18. Concerns have been expressed by interested parties that a wildlife/bat survey has not been carried out by the appellant. However, I have not been directed to any local policy that requires such a survey to be undertaken. Nor does this matter form part of the Council's case against the development. Therefore, the lack of such a survey is not a determinative point in this appeal.

Conditions

19. The Council have suggested three conditions which I have considered against the tests as laid out in paragraph 55 of the Framework. In the interests of consistency and precision, I have amended the wording of two of the conditions.
20. As the appeal has been determined on a part-retrospective basis, it is necessary to grant planning permission subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose a materials condition.
21. To protect the living conditions of neighbouring occupiers, it is necessary to impose a condition relating to the installation and retention of obscure glazing.

Conclusion

22. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 1029:100 Rev A (Proposed Location and Block Plan)

Drawing number 1029:101 (Proposed Ground Floor Plan)

Drawing number 1029:102 (Proposed First Floor Plan)

Drawing number 1029:103 (Proposed Second Floor Plan)

Drawing number 1029:104 Rev C (Proposed Elevations)

- 3) The external surfaces of the development hereby permitted shall be constructed in accordance with the materials specified on the proposed plans.
- 4) Within 3 months of the date of this decision, the side facing window and the adjoining rear facing window within the enlarged dormer window on the south elevation, as shown on Drawing number 1029:104 Rev C, shall be fitted with obscure glazing and no part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. If the works are not undertaken within 3 months of the date of this decision, the use of the second-floor master bedroom for any purpose shall cease.

Upon implementation of the works specified in this condition, the works shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.