



Appeal Decision

Site visit made on 24 September 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/C3810/W/19/3232982

14 Baldwin Close, Middleton-On-Sea PO22 6RQ

- 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 Kevin Atterbury against the decision of Arun District Council.
 - The application Ref M/17/19PL, dated 27 February 2019, was refused by notice dated 17 May 2019.
 - The development proposed is described as a '*1-bedroom dwelling*'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the Council's officer report and decision notice, and the appellant's appeal form, statement and submitted plans, that the development proposed is 1 No. 1-bedroom dwelling and rear extension on the existing dwelling. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 11 Baldwin Close in respect of outlook.

Reasons

Character and appearance

4. The appeal site is located at the western end of Baldwin Close at the head of a tree lined cul-de-sac. It comprises an existing two-storey dwelling (No 14) which is attached on its northern side to a small two-storey block of flats. It is typical of the development in the area, the street scene of which is characterised by two-storey semi-detached and terraced dwellings and small blocks of flats of similar design, generally aligned in an ordered manner and positioned within an open layout.
5. The proposed two-storey dwelling would be attached to the south elevation of No 14. The proposed rear extension to No 14, which would be single storey and approximately 1.6 metres in depth, would also be physically attached to the proposed dwelling. The dwelling would be approximately 4.2 metres wide and approximately 9.0 metres deep at ground floor level and would be of

similar design to the host property. The front elevation of the proposed dwelling would be set back from No 14 and the ridge height would be lower than No 14. Taking into account the position, height and design of the proposed dwelling it would appear in keeping with and be subservient to the host property. Thus, in this regard, the overall design of the proposed dwelling would not be at odds with neighbouring properties. It is evident from the Council's officer report that the Council raises no objection to the proposed rear extension in terms of its design. Given its position and scale I have no reason to raise any concerns about the proposed rear extension.

6. There is a degree of variation in the space between buildings in the vicinity of the site. By virtue of the layout of development the gap between No 14 and the buildings on the south side of Baldwin Close is larger than many other gaps between buildings. Notwithstanding that the proposed dwelling would extend across the full width of the site at the frontage, taking into account its position relative to other buildings, it would not upset the feeling of space around buildings in Baldwin Close or result in an unduly cramped form of development. Moreover, it would not have an adverse influence on the street scene or disrupt the general open layout of development described above.
7. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. Consequently, in this regard, it would accord with Policies D SP1 and D DM1 of the Arun Local Plan (ALP) and the National Planning Policy Framework (the Framework) which, amongst other things, set out to ensure that the design, layout and appearance of proposals respect the character of existing development in the surrounding area. The Council has referred to Policy D DM2 of the ALP in their refusal notice. However, this policy is not directly relevant to character and appearance issues.

Living conditions

8. The existing outlook from the ground and first floor windows on the north elevation of No 11 Baldwin Close is towards an open grassed area of garden and hardstanding, beyond which is a wooden fence approximately 1.8 metres in height, a further area of hardstanding and the south elevation of No 14.
9. The separation distance between the south elevation of the proposed dwelling and the north elevation of No 11 would be about 10.0 metres. Taking into account the scale, position and height of the proposed two-storey dwelling, which would be approximately 7.0 metres high at the ridge, it would be dominant and overbearing upon the outlook from the windows on the north elevation of No 11.
10. For the above reason, I conclude that the proposed development would have a significantly harmful effect upon the living conditions of the occupiers of No 11 Baldwin Close in respect of outlook. Consequently, in this regard, it would not accord with Policy D DM1 of the ALP and the Framework which, amongst other things, set out to ensure proposals avoid harmful effect upon the living conditions of the occupiers of neighbouring development. As noted above, the Council has referred to Policy D DM2 of the ALP in their refusal notice. However, this policy is not directly relevant to this living condition issue.

Other Matters

11. I acknowledge the appellant's point that there is no prescribed acceptable distance between the side elevation of one dwelling and the windows of another dwelling. Furthermore, I acknowledge that there may be similar relationships and separation distances between buildings to that proposed in this case in the surrounding area. However, I am not aware of the full circumstances of the other development referred to by the appellant nor whether they are directly comparable with the case before me. In any event, I have determined the appeal proposal based on the circumstances of the site and the evidence before me. The existence of the other development referred to by the appellant does not alter or outweigh my conclusion on the living conditions issue as outlined above.
12. The appellant contends that the proposal would be an efficient use of land, however this would not overcome the harm that I have found in regard to the effect of the development on the living conditions of the occupiers of No 11.
13. There are no other matters raised which would lead me to reach a different conclusion on the main issues.

Conclusion

14. In conclusion, while I find that the proposal would not cause harm to the character and appearance of the area, this would not overcome the significant harm that the proposal would cause to the living conditions of the occupiers of No 11 Baldwin Close in respect of outlook. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR