



Appeal Decision

Site visit made on 6 January 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/C3810/D/19/3236739

Pied A Terre, Ferring Street, Ferring, West Sussex BN12 5JW

- 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 T Maio against the decision of Arun District Council.
 - The application Ref FG/59/19/HH, dated 21 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is alterations and the erection of a front living room, extension with kitchen area, and first floor bedroom and shower room extension.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and the erection of a front living room, extension with kitchen area and first floor bedroom and shower room extension at Pied A Terre, Ferring Street, Ferring, West Sussex BN12 5JW in accordance with the terms of the application, Ref FG/59/19/HH, dated 21 May 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. I note the concerns raised by the Council in respect of the measurements indicated on the submitted drawings. However, it appears that any discrepancies are of a minor nature. Therefore, in consideration of the proposal they are '*de minimis*' amounting to a few centimetres. In any case from the submitted drawings it is clear what is proposed in terms of scale and mass. I was further informed regarding the context of the site having carried out a site visit on the date given above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 2 Onslow Drive and Pump Court with particular reference to overbearing and overshadowing.

Reasons

4. Pied A Terre is a former local Police Office located in a residential area of predominantly close-knit, two-storey brick and tile dwellings. The appeal site sits between the apartment-block at Pump Court and No 2 Onslow Drive on an over-grown corner plot which faces onto Ferring Street, a parade of shops opposite and near to a railway level-crossing.

Overbearing

5. The proposal would extend the current structure, including a new first-floor extension. Notwithstanding that the proposal would be of a greater mass and height to the existing building, the submitted street-scene drawing demonstrates that the proposal due to its modest scale would remain subordinate, rather than overbearing, in relation to the apartments at Pump Court. Moreover, the separation of the proposal from No 2 and Pump Court would be at a distance not uncommon in this residential location. Further, the first-floor window facing Pump Court would be obscure glazed in the interests of privacy for neighbouring occupiers.

Overshadowing

6. Sunlight and daylight experienced by neighbouring occupiers to the side and rear of the property, despite the given solar path, may well rise and fall during the day and through the course of the year. Nonetheless, given the distance between the buildings and the relative height of the proposed development I find this would not be materially harmful on the basis of the evidence before me.
7. Therefore, the scheme accords with Policies D DM1 and D DM4 of the Arun Local Plan which state amongst other things that development should have minimal impact to users and occupiers of nearby property, and not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties, and Paragraph 127 of the National Planning Policy Framework which identifies that developments should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

8. I acknowledge the concerns raised by interested parties which include; over-development of the site, the provision of parking and general character of the site. However, the small-scale nature of the development means the effect of the proposal is likely to be limited in this regard. I have also considered concerns related to the effect of the development on the living conditions of neighbouring occupiers as the main issue of this decision and do not find justification for dismissal of the appeal on these grounds.

Conditions

9. The Council have not suggested any conditions for the proposal. Therefore, I have considered Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; for certainty, a standard time condition and a condition requiring that the development is carried out in accordance with the approved plans. Additionally, a specific condition related to the side elevation first-floor windows in the interest of privacy for neighbouring occupiers.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set in Annex A.

JE JOLLY

INSPECTOR

Annex A – Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan FS11, Block Plan and Roof Plan FS12, Ex Floor Plan – Roof Plan and Elevations FS13 Rev 01, Proposed Floor Plans FS14 Rev 01 and Proposed Elevations/Street Scene FS15 Rev 01.
3. The development hereby permitted shall not be occupied until the first-floor windows to the north and south proposed side elevations shown on drawings: Proposed Elevations/Street Scene FS15 Rev 01 have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

***** End of Conditions*****