The Planning Inspectorate

Appeal Decision

Site visit made on 13 January 2020

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/C3810/D/19/3241331
Little Tangley, Middle Way, Kingston Gorse, East Preston, BN16 1SB.

- 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 Jeremy Martin against the decision of Arun District Council.
- The application Ref K/19/19/HH, dated 12 June 2019, was refused by notice dated 10 October 2019.
- The development proposed is extension of an existing private home.

Decision

1. The appeal is allowed and planning permission is granted for a two storey front and rear extension. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration at Little Tangley, Middle Way, Kingston Gorse, East Preston, BN16 1SB in accordance with the terms of the application, Ref K/19/19/HH, dated 12 June 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    3) The development hereby permitted shall be carried out in accordance with the following approved plans: existing and proposed Floor Plans 6702-02 (04.09.18) Rev.P2; proposed context elevations – North and South 6702-30 (01.05.2019) Rev.P1;proposed North and South elevations 6702-20 (21.09.18) Rev.P1; proposed Sections 6702-10 (04.09.2018) Rev.P2; proposed East and West Elevations 6702-21 (21.09.18) Rev.P1; proposed site plan 6702-01 (20.09.18)Rev.P2; existing block plan and proposed roof plan 6702-00 (10.06.19) Rev.P2.

    4) The bathroom window on the southern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening, below 1.7m from internal floor level.

Procedural Matter

2. Notwithstanding the description of development set out in the heading above, which is taken from the application form, I consider that this does not adequately describe the proposed development. I note that the Council amended the description of development in their decision notice and that this wording was used by the appellant on their appeal form. However, I do not

agree that the front extension proposed can be described as a "small canopy projecting the footprint to the front". As the front extension largely matches the rear extension in terms of scale, I have amended the description used by the Council accordingly. This change in description does not amend the scheme considered by all parties, including the Council, in any way.

Main Issue

3. The effect of the proposed development on the living conditions of the occupants of the neighbouring properties, The Poynings and Clova.

Reasons

4. The principal concerns raised by the occupiers of both The Poynings and Clova are in relation to the potential increase in overshadowing and overlooking from the proposed extension of Little Tangley (the appeal property) and that the extended building would have an overbearing impact on their properties.

5. At present, the kitchen window at the side of Clova looks onto the side of an existing single-storey sunroom extension of the appeal property that is visible above the boundary fence. This extension is close to the boundary. The appeal proposals would remove the sunroom and set back the front elevation of Little Tangley, at the point closest to the boundary, to broadly align with the rear elevation of Clova. The appeal proposals also include a two-storey gable roofed front extension. Although substantially taller, this extension would not project quite as far forward, and be substantially further away from the boundary with Clova, than the existing sunroom.

6. The overall ridge height of the appeal property would increase by around 3.5 metres, to a height that is similar to the ridge height of Clova, and would be about 2 metres higher than the ridge height of The Poynings. However, with the roof design proposed, the eaves of the roof nearest the boundary with Clova (and The Poynings) would be considerably lower than the main ridge.

7. Given the design and layout of the proposed development, I do not consider that the proposals would have a materially harmful overshadowing impact on occupiers of Clova or materially impact on daylight/sunlight conditions. In addition, the proposals would not result in a significant loss of outlook from the kitchen of Clova that faces east towards the appeal site.

8. Similarly, the Council estimate that there would be a gap of over 8 metres between the side elevations of the appeal property and The Poynings. The proposed two storey extensions at front and rear of the appeal property would be set back further from the boundary between the two properties. Given the separation between the properties there would be no materially harmful overshadowing or daylight/sunlight impact on the garden areas or living rooms of The Poynings.

9. On the issue of overlooking, there would be no windows in the side elevation of the appeal property facing Clova, and only one small window on the ground floor of the elevation facing the windowless side elevation of The Poynings. Thus there would be no direct overlooking of either neighbouring property from these elevations.

10. Some views of the front and rear garden of The Poynings are already possible from the existing first floor windows which are on the eastern side of the

appeal property. I do not consider that the proposed extensions would materially alter the degree of overlooking from the proposed eastern most rooms and only oblique views would be possible from the other proposed first floor rooms, including the balcony at the rear of the building which would be enclosed by side walls. Having regard to these factors, the scale of the garden areas and the distance between the properties, I do not consider the proposals would result in a materially harmful impact on the level of privacy enjoyed by the occupiers of The Poynings.

11. The garden of Clova is located in front of the property, to the south west of the appeal site. The garden area is separated by the driveway to Clova from the appeal site. In addition to the physical separation of the garden from the front elevation of the appeal property, there are two sets of close-boarded fencing and some landscaping which provides some additional screening of the garden.

12. Furthermore, the submitted plans propose that the first floor room closest to the boundary with Clova would be used as a bathroom and the grant of permission is restricted to ensure that the window of this room would have obscure glass and be permanently non-opening below 1.7 metres from the internal floor level. Only oblique views of the garden would be possible from the other two first floor rooms on the front elevation. With the imposition of the planning condition and given the other factors I have outlined, I do not consider that the proposals would result in a materially harmful impact on the level of privacy enjoyed by the occupiers of Clova.

13. There can be no question that the proposed extension of the appeal property would represent a substantial modification and extension of the appeal property. However, the footprint of the existing building would not be significantly expanded and the site coverage, which the Council estimate, would be about 12%, would be within the range of site coverage found on adjoining plots. The appeal proposals would not appear out of scale in the context of the surrounding properties, nor would the proposed scale of development have an overbearing impact on the neighbouring properties given the distance between the buildings and the design, siting and massing of the proposed development, which I have commented upon earlier.

14. In the light of my findings above, I find that the proposed development would not have a material impact on the living conditions of the occupants of The Poynings and Clova. Accordingly, I do not find that the proposal would be in conflict with policies D DM1 and D DM4 of the Arun Local Plan and policy KPNP7 of the Kingston Parish Neighbourhood Plan. These policies seek, amongst other things, to protect the living conditions enjoyed by occupiers of properties nearby a development.

15. For the reasons given above, I conclude that the appeal should be allowed. In addition to the standard time condition, I have imposed conditions requiring the use of matching materials, in the interests of safeguarding the appearance of the area and specifying the relevant drawings, as this provides certainty. I have commented on the need for the fourth planning condition earlier in this letter.

Anthony Thompson

INSPECTOR