

Appeal Decision

Site visit made on 6 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/L3815/D/19/3238806
36 Manhood Lane, Sidlesham PO20 7LT

- 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 R Daley against the decision of Chichester District Council.
 - The application Ref SI/19/01424/DOM, dated 28 May 2019, was refused by notice dated 5 August 2019.
 - The development proposed is a retrospective application for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of the neighbouring occupiers with particular reference to daylight and sunlight and outlook.

Reasons

Character and appearance

3. The appeal site is a cul-de-sac bordered by fields that is located outside a defined settlement boundary near to the village of Sidlesham. The built environment in Manhood Lane is typified by post-war, semi-detached and terraced dwellings that face onto a shared grassed space, some of which were built with compact extensions to the rear that adjoin to the neighbouring property. No 36 Manhood Lane is an end-terrace, two storey, brick and tile dwelling, with access to the rear garden via an unmade pathway to the right-hand side of the dwelling when viewed from the road. To the rear of the host dwelling there is a pitched roof extension which is attached to No 38 Manhood Lane.
4. The proposal for a single storey mono-pitch addition to the existing extension has been completed, and retrospective planning permission is now sought. The development is located in an established residential area. As such, the general principle of development on the appeal site is not at odds with the surrounding area. Indeed, the appellant has brought my attention to a number of more recent rear extensions in the neighbouring area.

5. However, in this instance the structure would extend beyond the built line of the neighbouring extension at No 38, and towards the rear boundary of the host dwelling. Indeed, the development would be of some considerable scale and mass that would extend further into the gardens than the extensions seen nearby. Moreover, the extension would include a mono-pitch roof, a protruding side boundary, a 'French' window and a highly visible air-conditioning unit. Consequently, notwithstanding the matching materials, the development would be visually different and overly prominent in its immediate setting in comparison to the neighbouring extensions, for example that seen at No 40 Manhood Lane.
6. I conclude therefore, that the height, bulk and positioning of the development, in combination with the existing extension, would harm the character and appearance of the area. Similarly, the Council say that the proposal is contrary to Policy 33 (New Residential Development) of the Chichester Local Plan, (2014-2019) (CLP), in so far as it relates to the character and appearance of the area.
7. However, Policy 33 of the CLP relates to proposals for new residential development and replacement dwellings. Hence, I concur with the appellant that this Policy would not apply to proposals for extensions. Nonetheless, the proposal is contrary to Policy 1 of the CLP, which requires that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the *National Planning Policy Framework* (the Framework). As such, the proposal does not meet the aims of Paragraph 127 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment.

Living conditions

a) Daylight and sunlight

8. While I have limited technical evidence before me, due to the proximity and relative height of the proposal, the sunlight and daylight experienced by the occupiers of No 38, given the solar path, would likely be reduced in both the garden and the dwelling during certain times of the day and throughout some periods of the year, and hence adversely affect the living conditions of the occupiers.

b) Outlook

9. The proposal is for an extension of some height and bulk that would extend beyond the existing co-joined extensions, including a protrusion to the side boundary and a high-level air-conditioning unit. Moreover, notwithstanding the shallow break in the wall junction between the two dwellings, the proposed development would still be in close proximity to the boundary with No 38. As such, the immediate outlook from No 38 would be onto the relatively high and blank elevation of the development. Consequently, the immediacy and scale of the new development would create a sense of enclosure and harm the outlook of the occupiers of No 38. I conclude therefore, that the proposal would harm the outlook of the occupiers of No 38. Indeed, the Council say that the proposal is contrary to Policy 33 of the CLP, in so far as it relates to the living conditions of neighbouring occupiers.

10. As described above, Policy 33 of the CLP has little relevance to proposals for extensions. Nonetheless, the proposal is contrary to Policy 1 of the CLP, which requires that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, which is supported by the Chichester District Council Design Guidelines for alterations to Dwellings and Extensions, 2009. Therefore, the proposal does not meet the aims of Paragraph 127 (f) of the Framework which requires that planning 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

11. I acknowledge that there was a previous, partially completed, proposal on the appeal site that was constructed as permitted development under a previous development plan for the care of family members, and that the appellant now wishes to complete the spirit of that proposal. However, whether this was an acceptable form of development or not, the fact remains, as the appellant points out, that the scheme before me differs in a number of ways to that which may or may not have been regularised with a lawful development certificate. As such, I give this little weight, and have considered the scheme on its own planning merits.
12. I note that Sidlesham Parish Council have no objection to the scheme. However, that does not outweigh the harm to the character and appearance of the area or the living conditions of the neighbouring occupiers I have found.

Conclusions

13. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR