
Appeal Decision

Site visit made on 18 August 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/D3830/D/20/3254382

The Little House, Old Road, East Grinstead, RH19 3NQ

- 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 Brian Theobald of Fulcrum Design Ltd. against the decision of Mid Sussex District Council.
 - The application Ref: DM/20/1064 dated 11 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is single storey side extension at first floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at first floor level at The Little House, Old Road, East Grinstead, RH19 3NQ in accordance with the terms of the application, Ref: DM/20/1064 dated 11 March 2020, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with the approved plans: 15-29-103 Existing Floor Plans and Elevations, 15-29-106 Location and Block Plan, 15-29-106C Proposed Site Layout and 15-29-101A Proposed Floor Plans and Elevations.
 - 3) No development shall take place until details of the means of disposal of rainwater from the development hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the approved details.
 - 4) Prior to their use on site details of all external facing materials to be used for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the approved details.

Procedural Matter

2. The occupier of the neighbouring property contends that there are errors on the submitted drawings. However, I note that amended drawings were provided during the course of the determination of the application. Although these do not show an existing lightwell I am satisfied that with my observations on site I have sufficient certainty about the proposal to determine this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupier(s) of the neighbouring property, 'Beckford', with particular regard to outlook.

Reasons

4. The appeal property is attached to the rear elevation of 'Beckford' with the first floor forming an 'L' shape. The first floor immediately adjacent to 'Beckford' is set back from the side elevation of the latter property but a forward projection presents a side elevation to the rear elevation of 'Beckford'. A flat roof over the ground floor, partly of 'Beckford' but principally of the appeal property, extends between these elevations.
5. A first floor window in the rear elevation of 'Beckford', serving a bedroom, looks out onto the flat roof and across to the appeal property. The proposed extension would be significantly closer to this window than the existing side elevation of the appeal property. However, the proposal would not extend across the full depth of the existing flat roof and would not fully obscure the outlook from the window.
6. The existing outlook is already compromised by the side elevation of the appeal dwelling and the proposed extension would be sited in the corner on the first floor between the front and side elevations of the appeal property, where the outlook from the window is currently most restricted. The oblique view from the window beyond the front of the forward projection of the appeal property would not be affected by the proposal. In addition, I observed during my site visit that another window to the side elevation of 'Beckford', affording a more expansive outlook, also serves the bedroom. This would not be affected by the proposed extension.
7. Furthermore, the roof of the proposed extension would follow the slope of the existing roof of the side elevation of the appeal property towards 'Beckford', thus minimising the bulk of the elevation facing the latter. The extension would also be to the north of the bedroom window. Consequently, the proposal would not result in any harmful loss of sunlight or daylight to the bedroom.
8. I therefore conclude that the proposed development would not result in any material harm to the living conditions of the occupier(s) of 'Beckford' through the loss of outlook, sunlight or daylight. Accordingly, I find no conflict in this respect with Policy DP26 of the Mid Sussex District Plan 2014 – 2031 (2018) (MSDP) or Policy EG3 of the East Grinstead Neighbourhood Plan (2016), both of which seek to protect the living conditions of the occupiers of neighbouring properties.
9. Moreover, I find no conflict with paragraph 127 f) of the National Planning Policy Framework (the Framework), which requires planning decisions to ensure that developments create places with a high standard of amenity for existing users.

Other Matters

10. I note that the Council's Conservation Officer suggests that 'Beckford' has the potential to be considered a non-designated heritage asset. However, I have no evidence that the dwelling has actually been identified as such by the Council nor of its heritage interest, other than it retains several period features, which are not specified. Even if I were to consider 'Beckford' a non-designated heritage asset, I have no evidence that those period features would be adversely affected by the proposed development.
11. Furthermore, the setting of 'Beckford' has already been compromised by the construction of the later appeal property. The proposed development would not cause any further harm to the significance of 'Beckford' given its modest size, form and siting. Accordingly, the proposal does not conflict in this respect with Policy DP34 of the MSDP nor with paragraphs 184 or 197 of the Framework which seek to protect non-designated heritage assets.

12. I note the concerns of the occupier of 'Beckford' regarding the disposal of rainwater from the proposed extension. Although there is a reference to guttering on the application form, this is not shown clearly on the submitted drawings. However, this matter can be addressed by a condition, were planning permission to be granted. The other concerns raised by this interested party, including the effect on the character and appearance of the appeal property and area, have not been determinative in this appeal.

Conditions

13. In addition to the standard time limit for commencement, the Council has suggested conditions regarding compliance with the approved plans and materials. I consider these to be necessary in the interests of certainty and the character and appearance of the area. However, I have amended the suggested materials condition for clarity as I observed during my visit that the bricks used in the front elevation of the first floor set back of the appeal property differ from those used elsewhere in the property.
14. I have added a condition regarding rainwater disposal to ensure the means of disposal are satisfactory given the uncertainty as to how this would be achieved. I am satisfied that this condition meets the tests of paragraph 55 of the Framework and it is necessary for it to be a pre-commencement condition as the issue relates to the construction of the extension rather than to its use. The appellant has agreed to the condition¹.
15. However, I have not attached a condition requiring the appellant to rebuild the framework and cover to the lightwell for 'Beckford' as requested by the occupier of that property as the contended damage to the lightwell is a legal matter between the parties, outside my jurisdiction and the scope of this appeal. I do not consider this rebuilding to be necessary for the proposed development to be acceptable in planning terms or to be related to planning in this case. Such a condition would therefore fail to meet all the tests of paragraph 55 of the Framework.

Conclusion

16. For the reasons given above, and having had regard to the other matters raised, the appeal is allowed and permission is granted.

Martin Small

INSPECTOR

¹ E-mail dated 26 August 2020