
Appeal Decision

Site visit made on 18 January 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal Ref: APP/C3810/D/20/3260184

12 East Avenue, Ancton, Middleton-On-Sea PO22 6EG

- 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 and Mrs K Messingham against the decision of Arun District Council.
 - The application Ref M/40/20/HH, dated 18 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is first floor and ground floor side extensions.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor side extension. The appeal is allowed insofar as it relates to the ground floor side extension and planning permission is granted for ground floor side extension at 12 East Avenue, Ancton, Middleton-on-Sea PO22 6EG in accordance with the terms of the application, Ref M/40/20/HH, dated 18 June 2020, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and 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 following approved plans: Site Location Plan and Drawing nos. 2545/01/01, 2545/01/03 and 2545/01/04.
 - 3) The materials to be used in the construction of the external walls of the ground floor extension hereby permitted shall match those used in the existing building.

Main Issue

2. The Council has no objection to the proposed ground floor extension on the southern elevation. I have no reason to take a different view. The main issue in dispute is the effect of the proposed first floor extension on the living conditions of the occupiers of 14 East Avenue, with reference to outlook and privacy.

Reasons

3. No 12 East Avenue is a chalet style dwelling which presents gable-on to the road. The property sits towards the back of its triangular shaped plot and

alongside part of the rear garden belonging to 14 East Avenue. The occupants of this property have a view onto the side elevation of No 12 and its detached garage but neither building is particularly obtrusive. The garage is a modest single storey structure whereas the dwelling itself is set well back from the boundary with its pitched roof sloping away from the neighbour.

4. The proposal is referenced by the Council as a two-storey extension and by the appellant as an extended dormer window. However, the development would be better described as a first floor side addition above an existing porch and oversailing the driveway. The structure would be supported by masonry piers to create a covered storage area and retain access to the garage. It would have a flat roof disguised by a false pitch to the outer edges.
5. The extension would be stepped back from the front wall of the dwelling and its depth would be a little over half that of the existing building. The roof would be set down below the main ridge of the host property. These attributes would make for a subservient addition. Nonetheless, the occupants of No 14 would be presented with a blank and unrelieved wall, just over a metre from the boundary with their garden and patio. The height and width of the wall would make the extension unduly dominant and overbearing.
6. The residents of No 14 have raised concerns regarding loss of privacy in their conservatory and a first floor bedroom. However, the view towards the bedroom window would be oblique and in the case of the conservatory the structure's translucent roof would maintain privacy. On balance therefore, I do not consider that the proposal would result in harmful overlooking.
7. Notwithstanding this finding, I conclude that the proposal would have an unacceptable impact on the outlook of the occupiers of 14 East Avenue. It would therefore conflict with Policies D DM1 and D DM4 of the Arun Local Plan 2011-2031, insofar as these seek to protect the living conditions of neighbours.

Other Matters

8. Concerns have been raised regarding the design of the proposed first floor extension. The structure would alter the look of the dwelling but it would be a subservient addition and would not have a significant or adverse impact on the street scene of East Avenue. The locality contains a mixture of dwellings in varying styles, including an extension of broadly similar concept at 7 West Avenue. Bearing in mind this context, I do not consider that the proposal would be materially harmful to the character or appearance of the area.
9. I have taken into account the appellants' personal reasons for needing the proposed first floor extension, and the rationale for the design adopted, but this does not justify the harm identified above.

Conclusion

10. The proposed first storey addition would be materially harmful to the living conditions of the occupiers of 14 East Avenue and for this reason it is unacceptable. The proposed ground floor extension would be a subordinate addition and this element of the scheme accords with the development plan.
11. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part. I have attached a condition specifying the approved

plans in the interests of certainty, in addition to a condition requiring matching materials, to secure harmonious architectural treatment.

Robert Parker

INSPECTOR