



Appeal Decision

Site visit made on 1 June 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/L3815/D/21/3267308

Park Cottage, Park Road, Selsey PO20 0PR

- 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 Robert Walker against the decision of Chichester District Council.
 - The application Ref SY/20/01574/DOM, dated 24 June 2020, was refused by notice dated 23 December 2020.
 - The development proposed is single storey rear extension, outbuilding to provide ancillary accommodation and Jacuzzi shelter.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, outbuilding to provide ancillary accommodation and Jacuzzi shelter, at Park Cottage, Park Road, Selsey PO20 0PR, in accordance with the terms of the application, Ref SY/20/01574/DOM, dated 24 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos. 202050-01, 202050-02A, 202050-03A and 202050-06.
 - 2) The external materials to be used in the construction of the single storey rear extension shall be as specified within the application form and approved plans.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) the outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of Park Cottage, Park Road, Selsey PO20 0PR, from which it shall not at any time be let, sold separately or severed.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be constructed on the south elevation of the single storey rear extension hereby permitted.

Procedural Matters

2. The description of development in the heading above is taken from the appeal form and decision notice, since the description on the application form is "two

storey rear extension” but the proposal was altered during the course of the application, prior to its determination, to reduce the rear extension to single storey and to add a detached single storey outbuilding providing ancillary accommodation and a Jacuzzi shelter. I have omitted the words “*proposed*” and “*retrospective*” since they do not form part of the description of the actual development.

3. Permission for the outbuilding and Jacuzzi shelter was submitted retrospectively, and on my site inspection I saw that these elements of the scheme have been implemented and are sited in the rear garden. I have also noted that, since the refusal of the planning application and the submission of the current appeal, the Council has approved the outbuilding and Jacuzzi shelter elements of the appeal scheme, under planning permission Ref SY/21/00122/DOM, dated 22 March 2021. I have dealt with the appeal accordingly, on the basis that there is no Council objection to these specific elements of the appeal proposal.

Main Issue

4. The main issue is the effect of the single storey rear extension upon the living conditions of the occupiers of 20 Drift Road, in respect of outlook.

Reasons

5. The appeal property is a detached, chalet-style dwelling, located on the east side of Park Road in an established residential area. It has brick and render walls under a tiled and cladded cropped gable ended roof, which incorporates front and rear dormers. In addition to the aforementioned outbuilding and Jacuzzi shelter, there is also a detached garage to the rear of the property.
6. To the rear of the dwelling, there is an area of raised decking which extends across most of the width of the building and is used as an external amenity area, accessed via external steps from the garden and by doors leading off the rear elevation.
7. The proposal would replace the decked area with a single storey lounge and utility room extension which would project to a similar depth as the deepest part of the existing decking, would be set in by a small amount from each of the side walls of the building, and would have a shallow crown roof.
8. 20 Drift Road is a single storey dwelling which has its north elevation facing the appeal site. It is set back from the boundary, apart from a small porch/conservatory addition which is sited close to the boundary, opposite the proposed extension, and has windows in its north and east sides. Within the main north elevation, there is a kitchen window which would also face the proposed extension, and currently looks towards the boundary fencing. The external amenity space to the north side of No.20 and the aforementioned windows already have an existing sense of enclosure, arising from the side wall of the appeal property and the existing close-boarded boundary fencing which extends to around 2.25m in height.
9. The low height and shallow roof form of the proposed extension means that it would not significantly extend above the height of the existing boundary fencing. It would also be set back from the boundary, and would not extend beyond the line of the east elevation of No.20. As such, the extension would not result in any more demonstrably harmful enclosing or shading effects on

the outdoor amenity area of No.20 than those which already exist given the existing site circumstances. Nor would it have a materially harmful impact on the outlook from the kitchen window, which currently directly faces the existing boundary fencing. Consequently, the proposal would not have an overbearing impact on the living conditions of the occupiers of No.20.

10. For the above reasons, I conclude that the single storey rear extension would not result in demonstrable harm to the living conditions of the occupiers of 20 Drift Road, in respect of outlook. As such, the proposal would accord with Policy 33 of the *Chichester Local Plan: Key Policies 2014-2029* (2015), in so much as this policy requires new residential development to provide a high quality living environment and to respect neighbouring amenity.
11. This is generally consistent with paragraph 127 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users.

Other Matters

12. I acknowledge the third-party concerns in respect of the design of the extension, its impact on the street scene, and concern that it comprises overdevelopment of the site. The Council has raised no objections in these respects, and on the basis of the information before me, and my site inspection, I have no reason to disagree.
13. The extension would be subservient in height, scale and massing to the host property, and the proposed materials, fenestration and roof form would be in keeping with those of the existing building. Due to its single storey nature and position at the rear of the building, together with the presence of intervening built development, the extension would not be visually prominent within the street scene.
14. The extension footprint would not be significantly greater than that of the existing rear decking, and sufficient space would remain to the rear of the building, so that the proposal would not result in overdevelopment of the site with built development. The absence of permitted development rights for the appeal property does not alter this assessment.
15. I have noted the neighbour concerns about loss of light to No.20. Whilst there may be some loss of early morning sunlight entering the property via the aforementioned windows, taking into account the existing light restriction due to the boundary fencing, and noting that the kitchen is a non-habitable room, this impact is not considered to be demonstrably more harmful for the occupiers of that property than the existing situation.
16. Having regard to concerns about precedent, each future development proposal would be treated on its own individual merits having regard to the specific site circumstances.
17. The third-party concerns regarding the Council's procedures for dealing with the planning application, including the length of time for determination, neighbour publicity and officer site visit, are not matters for consideration under this appeal.

Conditions

18. I have considered the Council's suggested conditions in accordance with the national Planning Practice Guidance. It is necessary to define the plans in the interests of certainty (1). In the interests of the character and appearance of the area, a condition is necessary to ensure appropriate external materials for the single storey rear extension (2).
19. As the outbuilding would be located where a new dwelling would not normally be permitted, and having regard to the intended use of the building as ancillary accommodation, a condition is necessary to ensure that the outbuilding would only be utilised incidental to the residential use of the host dwellinghouse(3).
20. In the interests of the privacy of the occupiers of 20 Drift Road, a condition is necessary to prevent the construction of doors or windows in the south elevation of the single storey rear extension.

Conclusion

21. For the above reasons, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR