



Appeal Decision

Site Visit made on 25 August 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2021

Appeal Ref: APP/C3810/D/21/3274708

3 Haydon Close, Aldwick PO21 4LG

- 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 Mrs Zsofia Vitanyi against the decision of Arun District Council.
 - The application Ref AW/31/21/HH, dated 27 January 2021, was refused by notice dated 7 April 2021.
 - The development proposed is for single storey rear extension and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and front porch at 3 Haydon Close, Aldwick PO21 4LG in accordance with the terms of the application, Ref AW/31/21/HH, dated 27 January 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No BL & LOC 01 (Block and Location Plans); Block Plan (Plan Reference No TQRQM21020105703215); Drawing No EX.EL 01 (Existing elevations); Drawing No EX.FP.01 (Existing floorplans); Drawing No PR.EL 06 (Proposed elevations); Drawing No PR.FP.06 (Proposed floorplans); and Drawing No SE.AA.01 (Section AA drawing).
 - 3) 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.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. The main parties were given the opportunity to comment on its relevance to the appeal proposal and I have had regard to it in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development, with particular regard to the rear extension, on:
 - the character and appearance of the host building and the surrounding area; and
 - the living conditions of adjoining occupiers.

Reasons

Character and appearance

4. The appeal site contains a relatively small and compact bungalow set within a large plot. The surrounding residential area includes bungalows of various sizes and some appear to have been extended and altered. Although the main roofs of surrounding properties are generally pitched, there are also numerous flat roof elements in the locality.
5. Despite its large footprint and providing more floorspace than the existing bungalow, the lower height and lesser width of the proposed extension means that it would appear as a visually subservient addition that would not unacceptably dominate the original form of the main building. Its flat roof would reflect other nearby flat roof features. Due to the varying size of surrounding properties, the appeal proposal would not result in the extended property appearing significantly larger and out of proportion or character with its surroundings. Given the significant size of the site's garden and that several other plots in the locality are notably smaller, the appeal proposal would also not read as dominating its plot. In coming to this view, I have taken into account that the Arun Design Guide sets out that extensions of over 50% of existing floorspace are unlikely to be considered acceptable.
6. The proposed extension's north and east elevations would be rather blank. However, the lack of visual interest would not be particularly apparent given their proximity to existing boundary fencing. The proposed chimney would appear as a minor and unobjectionable element in the locality. The Council does not allege that the proposed front porch would harm the character and appearance of the surrounding area. Having considered the development and visited the site, I concur and find that it would also be acceptable.
7. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the host building or surrounding area. I therefore find that it accords with Policies D DM1 and D DM4 of the Arun Local Plan 2011-2031 (ARP). Amongst other aspects, these seek development which reflect and sympathetically relate to the character of the site and surrounding area and require extensions to be visually subservient to the main building.

Living conditions

8. The appeal proposal would extend along the boundary with the rear garden of No 4 Haydon Close and up towards the relatively shallow rear garden of No 37 Pryors Lane. Boundary treatment on the shared boundaries with those properties includes fencing and soft landscaping, with several bushes and trees higher than the fence. No 4 also has a greenhouse and another outbuilding positioned adjacent to the shared boundary with the site.
9. The proposed rear extension would be in close proximity to the boundaries with Nos 4 and 37 and would project above the existing fencing. However, it would not abut the boundaries and its bulk and height would not be significant given its single-storey flat-roof form. Existing boundary treatment, including the various taller bushes and trees, would also provide considerable screening of it from Nos 4 and 37. In addition, the rear extension would not extend across the full width of the plot of No 37 while No 4's garden is relatively wide and its outbuildings would also further screen the appeal proposal. Accordingly, it

would not appear as a dominating or significantly overbearing feature from those properties and their gardens.

10. For these reasons, it would also not result in significant overshadowing – as demonstrated in the submitted shadow cast visuals – or loss of light to No 4. The Council's references to the 45 degree rule do not lead me to a different conclusion and it seems to me that the existing outbuildings on that plot – which would be positioned between the proposed rear extension and No 4 – would have a greater presence from No 4's rear windows than the appeal proposal in any event.
11. Given the proposed chimney's position and slender form, it would neither be particularly noticeable from adjoining plots nor harm the outlook of existing occupiers. With the proposed window in the northern elevation serving a non-habitable room and facing the fence and No 4's flank wall and outbuildings, the appeal proposal would not result in significant overlooking. Although it has been put to me that the proposed extension would have a negative impact on adjacent properties through noise and smells (from the proposed kitchen), I have not been presented with compelling evidence to demonstrate that the development would result in unacceptable effects in relation to these matters.
12. I acknowledge the anxiety and worry created by the appeal proposal for neighbours. However, for the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers. I therefore find that it accords with ARP Policies D DM1 and D DM4. Amongst other aspects, these require development to provide a high standard of amenity, have minimal impact to users and occupiers of nearby properties and land and not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The proposal would also be consistent with the requirement in the Arun Design Guide to protect the amenities of occupants and neighbours.

Conclusion and Conditions

13. For the above reasons, the appeal is allowed, and with each case determined on its own merits, allowing this development would not set a precedent.
14. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. However, given my findings above, a condition requiring obscure glazing of the proposed window in the northern elevation it not necessary.

T Gethin

INSPECTOR