



Appeal Decision

Site visit made on 12 October 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/C3810/W/21/3275010 50 Ocean Drive, Ferring BN12 5QP

- 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 S Ballard against the decision of Arun District Council.
 - The application Ref FG/34/21/HH, is dated 1 March 2021.
 - The development proposed is a 1st floor side extension, two storey front extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the applicant's Appeal Form as this more accurately describes the elements which require planning consent. The Council's description of development is also reflected on the applicant's appeal form.

Background and Main Issues

3. The appeal was made prior to the Council's determination of the application. Following the submission of the appeal, the Council issued a Planning Officer Report for the application indicating that it recommended refusal of the application on three grounds: that the proposed extensions would have an unacceptable impact on neighbouring habitable room windows as a result of loss of light and overbearing impact; that the proposed rear balcony would cause unacceptable overlooking impacts towards neighbouring properties; and that the proposed scheme in terms of its design would not conform to the character and appearance of the locality. The relevant policies are stated in the Officer's Report as being Arun Local Plan (LP) Policies D DM1 and D DM4.
4. On this basis, the main issues are the effect of the development upon:
 - The character and appearance of the host building and the surrounding locality;
 - The living conditions of current and future occupiers of Nos 44a and 46 Ocean Drive with particular regard to access to light and appearance of the extensions; and
 - The living conditions of current and future occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site is located along Ocean Drive, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early twentieth century. The origins in the layout of the estate appear to contain larger plots with smaller detached dwellings which have an arts and crafts inspired styling with steep roof pitches often incorporating accommodation within the roof space, with many of the dwellings trying to emulate a cottage/chalet-type appearance with a characteristic low scale form of development.
6. Travelling through the estate there is an emphasis of greenery and spaciousness in and around dwellings. This green and spacious experience extends to the road edge with hedges being the predominant front boundary treatment leading onto a grass verge which no footpaths which widens the carriageway and adds to the sense of spacious, well vegetated, and low scale character. These positive qualities reinforce local character and distinctiveness of the locality. Infill housing is also evident within the locality which has caused changes to the heights, boundary layouts and spaces in and around dwellings, however the predominant characteristic is one of a low scale, well vegetated and spacious character.
7. The appeal site displays a number of positive qualities which are experienced within the street scene and appears to be one of the small original chalet style properties of the estate, which has since been extended to the rear and contains further single storey outbuildings to the side. Whilst the appeal building presents as a one and a half storey property with accommodation within the roof space, the apex of the half-hipped roof is quite tall; being greater than the height of the ground floor and a similar height to two storey properties in the nearby area. Whilst there is development to the sides of the dwelling, there remains a sense of spaciousness with visual gaps at first floor level around the property which together with the design of the appeal building help in retaining the low scale and spacious character of the area.
8. In undertaking extensions to existing buildings, the LP Policy D DM1 lists a number of design principles to be taken into account such as appearance, impact, innovation, adaptability, amongst others. LP Policy D DM4 is specific to alterations and extensions and requires that development have a number of characteristics that enable the proposed scheme to sympathetically integrate with its surroundings, being visually subservient to the main building, and respecting visual gaps where these are part of the characteristics of the area, amongst others.
9. Whilst the application form description details the scheme as an 'extension,' the proposal appears to be more of a reconstruction of a new dwelling with there being no obvious sign of the original dwelling present in the proposed elevations of the appeal building. The hipped roof form would extend to each property boundary with a large two storey forward projecting front facing gable with two dormer windows to either side. To the rear a further ground floor projection with large first floor balcony and part two storey projection with gable roof along the side boundary elongates the building to the rear and introduces a large amount of visual bulk and massing which would subsume the existing building.

10. The applicant's Planning Statement and further comments to the appeal documents notes examples of dwellings¹ in the vicinity where large extensions with raised ridge heights or proposals for larger dwellings have taken place and, in the applicant's, opinion form a precedent for the proposed scheme. Whilst I have not been presented with the details of each of the cases and how the considerations are similar to the appeal scheme, the noted schemes do not appear to present the same width or visual bulk and appear much more proportionate and subservient in their design than the appeal site. Additionally, neither of the examples specified would appear to have rear facing balconies at first floor level. I note two examples of rear first floor balconies given which are situated along Ferring Marine, however both of these properties back onto the foreshore, not a residential environment and do not carry the same qualities of character and appearance as present along Ocean Drive.
11. The applicant's documents also note a fallback position² where in their opinion a ground and two storey rear projection could be constructed under permitted development rights which the applicant details should be considered as a material consideration to this scheme. Whilst there is very limited information within the appeal documents on the fallback position (a two dimensional rear elevation sketch and commentary describing the design); the sketch would appear to show development which alters the roof form and exceeds the rear eave height of the existing roof which would not appear to be in accordance with the provisions of the General Permitted Development Order for permitted development. Despite this, the proposed example utilised would only be to the rear of the current dwelling and not present the same massing and visual bulk as the proposed scheme. As such, I do not consider the fallback scheme (if indeed it could be implemented under permitted development) would provide sufficient comparisons or justification for the acceptability of the proposed scheme.
12. The proposed scheme would not be subservient to the host dwelling which is a specific consideration of LP Policy D DM 4 and would be overly large and inauthentic to the architectural authenticity and integrity of the host building. The scheme would subsume the existing dwelling and erode much of the characteristic visual gaps to either side of the property and would be disproportionately large when viewed within the street scene which is a specific consideration of LP Policy D DM1. Taken as a whole, and in conclusion of this matter, the proposed alterations and extensions would cause unacceptable detriment towards the architectural authenticity and integrity of the existing building and cause harm towards the character and appearance of the surrounding locality. Consequently, the proposal would be contrary to the LP Policies D DM1 and D DM4 as described previously.

Nos 44a and 46 Ocean Drive - Living conditions as a result of access to light and appearance

13. Nos 44a and 46 Ocean Drive are both situated to the immediate north of the appeal site, the dwelling of No.46 is located close to the boundary next to the appeal building with a small electric substation in between, and No.44a which is located behind No.46 and adjoins the rear garden of the appeal site, however, contains a small setback between the boundary with the appeal site.

¹ 39 Beehive Lane; 41 & 43 Ocean Drive; 10 & 12 South Drive; 15 & 17 Foamcourt Waye, Keys, Florida Rd;

² Labelled as 'DOC 1'

14. No.46 is a single storey dwelling that is situated close to its southern and western boundaries. The final comments submitted by the applicant contain a floor plan and internal photographs of No.46 which show that the main room that could be impacted by the proposal is the rear bedroom which contains a high level secondary window which would face the appeal building and a larger primary window which is located in the rear facade of the dwelling. The current position for No.46 is that both windows to the bedroom are in very close proximity to boundary fences which would already cause a sense of enclosure and some overshadowing and loss of light towards this property.
15. The design of the proposed appeal scheme appears to have made some attempt at trying to mitigate this by the setback of the proposed dwelling from the boundary with a single storey garage and neighbouring substation between the two storey element of the proposed dwelling and the windows of No.46. Given the height of the proposed dwelling in close proximity to the boundary, it would still cast a shadow towards the rear window of No.46 during sunrise and continue to overshadow the secondary window of No.46 as the sun sets towards the east. Whilst I appreciate that there is some degree of overshadowing and loss of light currently as a result of the positioning of the dwelling, the proposed scheme would likely exacerbate this impact and cause material harm to the living conditions of occupiers of No.46 as a result of loss of light.
16. With regards to concerns over the proposed scheme being overbearing towards No.46, this would appear to be from the high level window as the space around this side of the dwelling is not sufficient to be utilised for a private garden area. The setback between the building would change the experience and relationship of the spaces in and around the buildings, however I do not agree with the Council that the relationship would result to material detriment to No.46 as a result of being overbearing.
17. Turning to No.44a, this dwelling is one and a half storeys tall and according to a representation by this occupier, windows facing towards the appeal site are for their principal bedroom, kitchen and sitting room. No.44a is setback approximately 5 metres from the property boundary shared with the appeal site where there is vegetation located along this side boundary. Whilst it would appear that the majority of use of the rear garden of No.44a would appear to take place to the rear of the dwelling where there is a paved area and large lawn, the side of the dwelling which is currently grassed is of suitable size to also be utilised for the enjoyment of this property.
18. Given the irregular side boundary between the appeal site and No.44a, the proposed building would have a single storey element where the proposed garage would be situated along the boundary followed by the two storey rear projection of the proposed dwelling which would also be constructed along the shared boundary with No.44a. Whilst the single storey element would replicate similar conditions to that experienced currently, the two storey element along the boundary would present as a blank wall that would have a domineering appearance to the side garden of No.44. Whilst the current vegetation along the boundary may soften the appearance of the proposed two storey projection, the vegetation is outside the control of the applicant, and given the likelihood that the foundations of the proposed building may interfere with the growth of this vegetation, the screening currently in situ does not make the

presence of a dominant feature along the property boundary acceptable in this instance.

19. Turning to overshadowing, a similar argument is utilised with regards to the vegetation along the boundary to justify the proposal. I disagree that overshadowing caused by vegetation is similar to that imposed by a brick wall. Vegetation can be cut, lowered or trimmed by the neighbour if it is felt that vegetation is limiting their access to light. This is not the same as the impact caused by a two storey wall along the boundary. Given the height and proximity of the wall along the boundary, together with the direction of the sun; the proposed scheme would be likely to cause material detriment to the occupier of No.44a as a result of overshadowing and loss of light to the side garden and habitable room windows.
20. Taken as a whole and in conclusion of this matter, the proposed scheme would cause material detriment to the living conditions of No.46 as a result of loss of light, and material detriment to the living conditions of No.44a as a result of loss of light and visual appearance. Consequently, the scheme would be contrary to LP Policy D DM1 (which seeks that development have minimal impact to nearby properties by avoiding significant loss of sunlight and privacy); and LP Policy D DM4 (which seeks that extensions and alterations do not have an adverse overshadowing and overbearing effects on neighbouring properties).

Nos 44a and 52 Ocean Drive, and 4 South Drive - Living conditions as a result of privacy

21. No.44a contains a large rear garden which according to the block plan has a depth of 24.5 metres. No. 52 Ocean Drive has a similar length rear garden, whilst No.4 Ocean Drive's rear garden is quite small and backs onto the rear garden of 52 Ocean Drive.
22. The proposed development would contain a large first floor balcony which would contain screening in the form of a 1.7 metre screen on the south side of the balcony and the side wall of the rear projection creating screening on the north side. Given the width and depth of the first floor rear balcony, the balcony is capable of hosting gatherings of a number of people and the screening to the sides of the balcony would not completely obscure all overlooking opportunities, particularly to the gardens of 44a and 52 Ocean Drive, and 4 South Drive. There is also a clear difference in the perception of overlooking and loss of privacy from persons sitting or standing on a balcony for long periods of time as opposed to any overlooking caused, for example, from a rear window which would go largely unnoticed. Given the suburban environment, these changes to the perception of overlooking and privacy as a result of this development carry a significant impact to the living conditions of surrounding occupiers.
23. I acknowledge comments that there is vegetation along property boundaries which may restrict some overlooking opportunities, however this would not alleviate overlooking concerns, particularly when much of the vegetation is located on neighbouring properties and beyond the control of the applicant. As such, I am not convinced by comments that a balcony would provide similar overlooking opportunities as to what is already experienced from a rear window or that the example of what the applicant feels could be constructed via permitted development would present similar overlooking opportunities.

24. That said, taken as a whole, the proposed first floor rear balcony would create adverse detriment to surrounding occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive. As such, the proposed scheme would be contrary to LP Policies D Dm1 and D DM4 as described previously.

Other Matters

25. I note comments from an interested party with regards to the protection of wildlife and the presence of Great Crested Newts. Given that the scheme failed the development plan policies for reasons of impact towards living condition and design, there was no need to delve into any potential issues surrounding ecological considerations.

Conclusion

26. For the reasons given above, I conclude that the appeal is dismissed.

J Somers

INSPECTOR