



Appeal Decision

Site Visit made on 21 October 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/D3830/D/21/3279361
67 Downs View Road, Hassocks BN6 8HY

- 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 Simon Rowe against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1838, dated 10 May 2021, was refused by notice dated 5 July 2021.
 - The development proposed is Front porch, wrap around front single storey extension with double and single storey extension to the rear with a balcony and raised decking sections.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of the proposed development given on the application form and used in the banner heading above, the balcony was omitted during the application process.

Main Issue

3. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of 65 Downs View Road regarding outlook.

Reasons

4. The appeal site is situated in a mainly residential area, on the roughly south east side of Downs View Road, close to the short spur by the corner where the road turns roughly north west into Bonny Wood Road. The land slopes down from roughly north west to south east. The detached mainly 2 storey appeal dwelling is set back from, and sited at a lower level than, Downs View Road.
5. The appeal dwelling is similar in type and hand to the dwellings on each side at 65 and 69. The appeal dwelling and 65 are broadly in line, but 69 is stepped further back into its plot. So, the present 2 storey rear extension at 69 projects some way beyond the existing nearby part width 2 storey extension at the back of the appeal dwelling. The existing roughly half width single storey extension at 65 is on the far side of its back so, on the near side, by the site, the back garden extends up to the back wall of the original dwelling. Whilst the proposed 2 storey rear extension would broadly align with the back of the extension at 69, and its near side would be some way from the common boundary with 65, it would project substantially beyond the back of the original dwelling at 65.

6. Due to its considerable depth, height, bulk and siting, the proposed 2 storey rear extension would be harmfully oppressive and overbearing in the outlook from nearby windows in the back of the existing dwelling at 65, and from its back garden close to the dwelling, which is usually the most frequently used. The depth of the proposed first floor extension beyond the back of 65 would be reduced if the permitted extension (ref DM/21/0269) at 65 were to be built, but even if it were, that would not overcome the unacceptable harm that the proposal would cause to the living conditions of the occupiers of 65.
7. The other nearby extensions referred to by the appellant, including those at 69, 71 and 73, have been considered. Even so, as the extension at 69 was permitted long ago under different Plan policies, and as the dwellings at 71 (which may have been extended using prior permitted development rights) and 73 (which included a granny annex at the side) are sited at an angle to their neighbours on roughly wedge shaped plots, they differ from the proposal before me. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.
8. There should be ample scope to accommodate a bathroom without the need for this damaging scheme. Privacy, daylight and sunlight, off street parking, space standards and character and appearance were not concerns of the Council in its reasons for refusal, and I see no reason to disagree. So, whilst the appellant's other points have been considered, including that nearby occupiers did not object, and that the scheme was amended to deal with a concern of the parish council, they would not make this unacceptable proposal acceptable.
9. I consider that the proposed development would harm the living conditions of the occupiers of 65 Downs View Road regarding outlook. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy 9 of the Hassocks Neighbourhood Plan 2014-2031 which aim for development to not cause significant or unacceptable harm respectively to the amenities of nearby residents, design principles DG49 and DG51 of the Mid Sussex Design Guide Supplementary Planning Document SPD which aim to avoid negative impacts on neighbouring properties including adjacent buildings and gardens, and the National Planning Policy Framework (Framework) which seeks good design and a high standard of amenity for existing and future users.

Conclusion

10. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
11. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR