



Appeal Decision

Site visit made on 23 February 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2022

Appeal Ref: APP/C3810/D/21/3286028

162 Littlehampton Road, Ferring, BN12 6PH

- 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 Tony Maio against the decision of Arun District Council.
 - The application Ref. FG/130/21/HH, dated 26 July 2021, was refused by notice dated 28 October 2021.
 - The development proposed is erection of a double garage and garden store.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a double garage and garden store at 162 Littlehampton Road, Ferring, BN12 6PH in accordance with the terms of the application, Ref. FG/130/21/HH, dated 26 July 2021, and subject to the conditions listed below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan TM 01; TM 02; TM 03; TM04 and TM05.
 - 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.
 - 4) The building hereby permitted shall not be used or occupied at any time other than for purposes incidental to the main dwelling known as 162 Littlehampton Road, Ferring and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 1A Ancren Close.

Reasons

3. The appeal site is located on the southern side of Littlehampton Road, a busy dual carriageway. The host property is detached, set well back from the road and sits within a substantial plot, which includes a large front garden. The latter includes a paved area for parking and access as well as areas laid to lawn that contain a number of mature trees. The front boundary comprises a brick wall of approximately 2 metres in height with solid gates. The return boundary

with 1A Ancren Close (No.1A), to the east, comprises a solid wooden fence that also appears to be approximately 2 metres in height, together with some hedging. An existing building, comprising a garage and bedroom above, extends north from the main front wall to the host property, which was granted planning permission on appeal in October 2017.

4. The appeal proposal involves the construction of a single storey garage and garden store towards the north eastern corner of the front garden. The proposed building would be set back approximately 1 metre from the common boundary with No.1A and by approximately 3 metres from the front boundary wall. The proposed design includes a hipped roof with a ridge height that appears to rise from 4 metres to 4.3 metres.
5. The Council do not object to the principle of a new building within the front garden in terms of its impact on local character, which is a finding I concur with. They do however contend that the position and height of the new building would result in harm to the living conditions of the neighbouring occupiers at No.1A.
6. Based on the submitted plans and my observations on site, the eaves to the proposed building would sit marginally above the existing solid wooden boundary fence. The proposed hipped roof would extend higher, but as it would slope away from the boundary the highest part of the ridge would be set back from the common boundary with No.1A. The distance separating the side elevation of the proposed building and the habitable windows to No.1A appears to be just under 10 metres.
7. Within the above context, whilst the upper part of the new building would be visible from the garden and windows to No.1A, the impact on the living conditions of the occupiers of that property would not, in my judgement, be significant. I accept that there would be some overshadowing of the garden area to No.1A, but this would not be significant or sufficient to justify the refusal of planning permission. The resulting building relationships would be acceptable and similar to those commonly found in such locations. Consequently, the proposed building would not represent an overbearing or dominant feature when viewed from No.1A.
8. Accordingly, I find that the appeal proposal would not lead to any harm to the living conditions of the occupiers of No.1A and would, therefore, be compliant with policy D DM1 (3) of the Arun Local Plan 2011-2031 (July 2018). Part (3) of this policy seeks to ensure that the impact of new development on nearby occupiers is minimised by avoiding, amongst other requirements, a significant loss of outlook.

Other Matters

9. Concerns have been raised over the impact of the proposed building on the character of the area, its future use and whether it would establish a precedent. There is no detailed evidence before me to suggest that any of these concerns would result in any material harm and as is required I have considered the proposal on its individual merits with specific regard to the circumstances of the case. The future use of the proposed building is a matter that can be controlled by condition. I also note that none of these matters are issues that the Council have raised in their objection to the appeal proposal. I

am satisfied, therefore, that none of these issues would give rise to any significant harm.

Conditions

10. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions seeking compliance with the approved plans and for materials to match existing are necessary and reasonable to secure a high-quality development and to reflect the details submitted with the application. I have however added a list of approved plans for clarity. I have also added a condition that confirms that the proposed building can only be used or occupied for purposes that are incidental to the main dwelling.

Conclusion

11. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR