



Appeal Decision

Site visit made on 24 February 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/L3815/D/21/3284243

16 Sea Holly, Marine Drive West, West Withering, PO20 8HH

- 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 Dr Hodkinson & Dr Ohrndorf against the decision of Chichester District Council.
 - The application Ref. WW/21/01347/DOM, dated 29 April 2021, was refused by notice dated 7 September 2021.
 - The development proposed is single storey rear extension, roof alterations to include 2nd floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annex.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, roof alterations to include 2nd floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annex at 16 Sea Holly, Marine Drive West, West Withering, PO20 8HH in accordance with the terms of the application, Ref. WW/21/01347/DOM dated 29 April 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall, where stated, match those on the existing building and otherwise be in accordance with those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.408.21/01; PL.408.21/02; PL.408.21/05/Rev.D; PL.408.21/06/Rev.A; PL.408.21/03/Rev.G; and PL.408.21/04/Rev.F
 - 4) The summer house/annex hereby permitted shall not be used or occupied at any time other than for purposes incidental to the main dwelling known as 16 Sea Holly, Marine Drive West, West Withering and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms or as self-contained accommodation.

Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal site is located on the northern side of Marine Drive West. The host property is detached and comprises two storeys, with a large garden to the rear and a smaller garden to the front which includes a driveway and space for off-street parking.
4. Marin Drive West is essentially a linear road which culminates in a dead end further to the northwest of the appeal site. The road comprises a mixture of predominantly detached properties including chalet style bungalows, two storey properties and some three storey properties. These properties vary in terms of their age, style, scale, form, layout and materials, with a number having been extended at roof or ridge level or remodelled. There are also examples of what appear to be modern redevelopment.
5. The appeal proposal includes the construction of a single storey rear extension, changes to the materials on all elevations, the construction of a bike store in the front garden and a single storey outbuilding in the rear garden, referred to as a summer house/office. The Council do not object to any of these proposed works, which is a finding I concur with. The appeal proposal also includes roof alterations to create a second floor and it is this aspect of the proposal that the Council object to, contending that it would appear incongruous in the streetscene and detrimental to the character and appearance of the host property and surrounding area.
6. The Council's objection refers to policy 33 of the Chichester Local Plan 2014-2029 (CLP). This policy seeks, amongst other requirements, to support development where it secures the highest standard of design and respects and where possible enhances the character of the area, and its setting, in terms of the proposals proportions, form, massing, siting, layout, size and scale. Reference has also been made to section 12 of the National Planning Policy Framework (July 2021), and whilst no specific paragraph is mentioned in the Council's decision, paragraph 130 is broadly consistent with the approach set out in policy 33.
7. The Council also refer to its Design Guidelines for Alterations to Dwellings & Extensions, Planning Guidance Note 3 (Design Guidelines). Again, my attention has not been drawn to any specific paragraph of the Design Guidelines, but page 2 under the heading Domestic Extensions in General states that extensions which would significantly alter the shape of a house "is not usually advisable" and that the design should allow the house to maintain its original appearance. Even so, the proposal that is before me effectively seeks to remodel the existing property. Moreover, the status and thus the weight that should be accorded to this document is unclear and is not referred to in the submitted evidence. It would appear from the document itself and the Council's Delegated Report that it is not an adopted Supplementary Planning Document, but local guidance for advisory purposes. Notwithstanding this, it is a material consideration to which I have had regard.

8. Within the above context, the proposed increase in height of the existing ridge and associated alterations to create the new second floor would not, in my judgement, appear out of scale or harmful to the streetscene. I accept that there would be a material change to the scale and appearance of the host property when viewed from the road. However, given that the properties either side of it are essentially two storeys with varying roof forms and ridge heights, the increase in bulk and scale combined with the modern design of the appeal proposal would not introduce a visually dominant or incongruous feature within the streetscene.
9. As I observed on site, there are numerous examples within the surrounding area of properties that have been extended at roof level or remodelled to provide habitable accommodation at first and second floor levels, as well as examples of three storey properties. The result is a variety of roof forms, ridge heights and building layouts. There is no uniform design, scale or character to the road, and in some cases extended properties sit next to smaller scale properties, such as chalet bungalows, but, even so, these relationships do not detract from the character and appearance of the area and instead add some interest and variety to the streetscene.
10. In relation to the host property this would essentially be remodelled using an attractive pallet of materials similar to that found on other extended properties in the road. All the proposed changes would refresh the appearance of the host property, whose current design is not of any quality or merit. In this respect, I disagree with the Council in that the proposal would, in my judgement, secure a high quality design that is a significant improvement on existing, that would in turn enhance the character and appearance of the appeal site and surrounding area.
11. Although the Design Guidelines advise that extensions should be subservient to the host property, this guidance is not repeated within any policy to the CLP, but, notwithstanding this, the Design Guidelines are advisory and should be applied with flexibility and not rigidly. Moreover, in applying the Design Guidelines any assessment must have regard to the individual circumstances of the case, its local context, the need to make efficient use of land and the nature of the proposals themselves, which is the approach I have adopted in determining this appeal.
12. Based on the above, I am satisfied that the proposed roof alterations to create the second floor accommodation would sit reasonably comfortably on the appeal site and that the host property, as extended, even with its remodelled design, would not appear out of character with its surroundings. The proposed extensions would not materially upset the existing built rhythm of the streetscene and even though part of the new second floor would exceed the existing height of the main ridge to the host, this would not appear out of keeping given the varied ridge heights that exist along Marine Drive West. In view of these findings, I have not felt it necessary to consider the Appellant's fall-back position.
13. Accordingly, whilst there would be some conflict with the advice in the Design Guidelines, this conflict and any harm that results would be limited and would not be sufficient to justify the refusal of planning permission. I find, therefore, that the appeal proposal would be compliant with policy 33 of the CLP and

paragraph 130 the Framework, and would not materially conflict with the aims and objectives of the Design Guidelines.

Conditions

14. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to reflect those shown on the approved plans are necessary and reasonable to secure a high-quality development and to reflect the details included within the application. I have, however, added a list of approved plans for clarity. A condition that confirms that the proposed summer house/annex can only be used or occupied for purposes that are incidental to the main dwelling is also necessary and reasonable to ensure that this building is used for its intended purpose and not as living accommodation or as a self-contained unit.
15. The Planning Practice Guidance states that permitted development rights should only be removed in exceptional circumstances. The Council have suggested that these rights should be removed to prevent any new windows being inserted in the first or second floor side elevations of the permitted development. The submitted plans show that a number of the existing windows, on the side elevations, would be retained or replaced. Even so, having viewed the relationship of the proposal with adjoining properties on site, I am not convinced that any exceptional circumstances exist in this case to justify the removal of these rights. The side elevations to the permitted development largely face onto the flank walls of the adjoining properties and there is no substantive evidence before me to indicate that any new windows, beyond those shown on the approved plans, would result in any harm to the living conditions of neighbouring occupiers.
16. For similar reasons, I am not persuaded that a condition to ensure a cill level of not less than 1.7 metres above internal floor height, for the proposed roof lights on the second floor, would be justified or reasonable. The views from the proposed rooflights would be restricted by their design and positioning within the new roof, and would primarily be towards the flank elevations and roofs of the adjoining properties. Moreover, the submitted plans show a proposed cill height of approximately 1.3 metres from finished floor level, which would suggest that the requirements of the condition could not be complied with or would require an amendment to the submitted scheme.
17. Accordingly, neither of these suggested conditions are necessary or reasonable.

Conclusion

18. 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