



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: 17TH March 2022

Appeal Ref: APP/L3815/D/21/3288663

The Beeches, 23 Barn Road, East Withering, PO20 8NL

- 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 John & Caroline Aynsley against the decision of Chichester District Council.
 - The application Ref. EWB/21/01674/DOM, dated 21 May 2021, was refused by notice dated 17 September 2021.
 - The development proposed is hip to gable roof extension with raised ridge and eaves. 2 storey rear extension and general alterations including fenestration alterations.
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Decision

1. The appeal is allowed and planning permission is granted for hip to gable roof extension with raised ridge and eaves. 2 storey rear extension and general alterations including fenestration alterations at The Beeches, 23 Barn Road, East Withering, PO20 8NL in accordance with the terms of the application, Ref. EWB/21/01674/DOM dated 21 May 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 be in accordance with those shown on the approved plans and in section 5 of the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: C9/0205/00; C9/0205/02 Rev.A; C9/0205/04 Rev.B; and C9/0205/05 Rev.B
 - 4) Notwithstanding the provisions of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no window(s) or door(s), other than those shown on the approved plans, shall be inserted into the north or south elevations of the development hereby permitted without the grant of planning permission.
 - 5) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no building, structure or other alteration permitted by Class B of Part 1 Schedule 2 shall be erected or made on the application site without the grant of planning permission.

- 6) The proposed first floor window on the north (side) elevation of the first floor rear extension hereby permitted shall be obscure glazed and fixed shut, and retained as such thereafter.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. Policy 33 of the Chichester Local Plan 2014-2029 (CLP) seeks, amongst other requirements, to support development where it meets the highest standard of design, secures a high quality living environment in keeping with the character of the surrounding area and where possible enhances that character. A broadly similar approach is set out in paragraph 130 of the National Planning Policy Framework (July 2021) (Framework), but it also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings.
4. The Council's Delegated Report (CDG) also refers to the Design Guidelines for Alterations to Dwellings & Extensions, Planning Guidance Note 3 (PGN3). The CDG draws attention to PGN3's advice that extensions should visually integrate and be sympathetic to their surroundings and subservient to the host property. I also note that PGN3 does not preclude flat roofed rear extensions but simply states that they require greater justification, albeit the image shown in the guidance is that of a single storey extension.
5. It would appear from the contents of PGN3 and the CDG that the former is not an adopted Supplementary Planning Document but local guidance for advisory purposes. The copy I have been provided is dated September 2009, predating both the Framework and National Design Guide (NDG) (January 2021). The latter reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today. As such, whilst PGN3 remains a material consideration, the weight it can be accorded in the decision making process is reduced.
6. The appeal proposal involves the refurbishment and extension of a detached single storey bungalow located within a large plot on the western side of Barn Road. The road is private and comprises a mixture of properties that vary in terms of their style, scale, form, layout and materials. There is no uniform character or design, albeit most of the properties are set back from the road.
7. Within the above context, whilst the proposed hip to gable roof extension, with raised ridge and eaves, would result in an increase in the bulk of the host property this would not be significant or harmful to the host or streetscene. Hip to gable extensions are often used successfully to secure new accommodation at roof level and given the varied character of the road this aspect of the proposal would not appear out of keeping within the streetscene.

The proposed pallet of materials, the new porch and dormer windows, which sit comfortably on the extended roof and align with the windows below, assist in securing a high quality design to the proposed front elevation.

8. I accept that there would be a material change to the scale and design of the host property when viewed from the road, but, even so, all the proposed changes would refresh and modernise the appearance of the front elevation, whose current design is not of any quality or merit. The result would be a significant improvement on existing that would enhance the character and appearance of the appeal site and surrounding area.
9. The contemporary design of the appeal proposal would also be reflected in the proposed two storey rear extension, through the use of a flat roof, a similar pallet of materials and the detailing of the first floor windows. Although it is a large extension, I disagree with the Council and consider that the new extension would represent an innovative design that integrates well with the remodelled appearance of the host property. As such, it would assist in raising the standard of design within the area and at the same time secure a development that fits in well with the varied character of its surroundings. As I confirmed above, there is no uniform built rhythm or form to the surrounding area, with, for example, 21 Barn Road (No.21), to the south, set back further from the road than the host property and 25 Barn Road (No.25), to the north, sited gable end/side on to the road.
10. The Appellant's CGI images indicate that only glimpsed views of the proposed two storey rear extension would be possible from Barn Road. In acknowledging that these images need to be treated with caution based on my own observations on site I am satisfied that this aspect of the appeal proposal would sit reasonably comfortably on the rear of the host property and that its impact on the streetscene would be limited. The proposed rear extension would not appear incongruous or visually dominant, and in view of the limited views of this extension from public vantage points it would not appear out of character or result in any material harm to the streetscene.
11. Accordingly, whilst there would be some conflict with the advice in PGN3, as I have found, this predates the Framework and NDG and has not been adopted as a Supplementary Planning Document. Moreover, the PGN3 is advisory and should be applied with flexibility having regard to the individual circumstances of the case and the need to make effective use of land within sustainable locations such as the appeal site. I find, therefore, that the appeal proposal would be compliant with policy 33 of the CLP and the corresponding paragraphs of the Framework, and would not materially conflict with the aims and objectives of PGN3.

Neighbours living conditions

12. There is no reference in the Council's second reason for refusal to any allegation that the proposed extension would be overbearing. Whilst the first reason for refusal does refer to the proposed rear extension resulting in an overbearing development, that is in the context of the Council's allegation that it would not be in keeping with the character of the area. Even so, the Delegated Report does contend that the proposed extension would have an overbearing impact on the living conditions of neighbouring occupiers. I have, therefore, considered the latter as well as the Council's main objection that the

proposal would lead to the overlooking of neighbouring properties private amenity space .

13. The proposed two storey extension would be sited well back from the side boundary with No.25 and would not, therefore, have any overbearing impact on that property. Whilst the proposed extension would be located close to the side boundary with No.21, the submitted plans show that it would be sited adjoining the single storey garage to that property and would not extend the full length of the garage. This is consistent with my observations on site. Although the upper part of the proposed extension would be visible from No.21 the impact on the living conditions of the occupiers of that property would not be significant. I accept that there would be some impact, but given the location of the proposed extension, the orientation of No.21, the positioning of its garage and the fact that the new extension would be sited due north, this impact would not be sufficient to justify the refusal of planning permission.
14. The CDR contends that the proposed first floor windows, to the new rear extension, would lead to the overlooking and perception of overlooking of the private amenity space to the neighbouring properties. The proposed windows in question are flat and would serve bedrooms 3 and 4. In relation to No.21, they would provide oblique views towards the flank elevation of that property, with its rear private amenity area largely screened by the main house. With regard to No.25, the views would also be oblique and towards the rearmost part of the garden, and in view of the distance involved and the presence of existing boundary treatment including hedging any overlooking would be limited and would not result in significant harm to the living conditions of the occupiers of No.25.
15. Moreover, the relationships that would arise would reflect those commonly found in built up suburban areas such as this, where some overlooking of adjoining gardens is an inherent characteristic. Overall, therefore, whilst the proposed windows would result in some overlooking of the rearmost parts of the gardens to neighbouring properties this would be limited and would not result in any significant harm to the living conditions of neighbouring occupiers.
16. With regard to the concern raised over the potential for overlooking from the proposed first floor window in the north (side) elevation of the new extension, as this is a secondary window to bedroom 3 this matter can be addressed by a condition that requires the window to be obscure glazed and fixed shut.
17. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of No.21 or No.25 and would, therefore, be compliant, in this respect, with policy 33 of the CLP and paragraph 130 f) of the Framework.

Conditions

18. 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. A condition requiring compliance with the submitted plans is necessary and reasonable to secure a high-quality development. I have, however, added a list of approved plans for clarity.
19. In relation to materials, I have reworded the suggested condition to reflect those submitted with the application. The Council's condition would have

required those details to be submitted and approved prior to development commencing. However, there is no substantive evidence before me to demonstrate why the proposed materials, listed in section 5 of the Application Form, would be inappropriate. The proposed pallet of materials would comprise walls of silicon render and timber cladding, slate or interlocking concrete tiles in dark grey on the roof and grey aluminium/UPVC windows. As I have found, these materials contribute towards the high quality contemporary design of the appeal proposal. In view of this and mindful of the variety of materials that are to be found on existing properties within the area the Council's suggested condition is neither necessary nor reasonable.

20. 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 new windows and doors being inserted into the north and south elevations of the proposed development. Also, to prevent any buildings, structure or other alterations permitted by Class B of Part 1 to Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015. In both instances, I am satisfied that those exceptional circumstances exist and that these permitted development rights should be removed in the interests of the living conditions of neighbouring occupiers.
21. I have also added a condition that requires the proposed first floor window in the north (side) elevation of the new extension to be obscure glazed and fixed shut, again in the interests of the living conditions of the neighbouring occupiers.

Conclusion

22. 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