



---

## 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: 18<sup>th</sup> March 2022**

---

**Appeal Ref: APP/L3815/D/21/3289561**

**121 Stockbridge Road, Donnington, PO19 8QR**

- 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 & Mrs G Jeffery against the decision of Chichester District Council.
  - The application Ref. D/21/01685/DOM, dated 25 May 2021, was refused by notice dated 18 October 2021.
  - The development proposed is erection of a single storey rear extension, two and a half storey side extension and new roof extension with dormer window to rear.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension, two and a half storey side extension and new roof extension with dormer window to rear at 121 Stockbridge Road, Donnington, PO19 8QR in accordance with the terms of the application, Ref. D/21/01685/DOM, dated 25 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, 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: 0.001/Rev.D1; 2.001/Rev.D3; and 2.002/Rev.D3
  - 4) The proposed first floor windows on the north east (side) elevation of the development hereby permitted shall be obscure glazed and no part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the windows shall be 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. The Council's first reason for refusal 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, paragraph 130 is broadly consistent with policy 33.
4. There is no reference to any specific CLP policy which relates to extensions and alterations to existing dwellings. Moreover, whilst the Council's Delegated Report (CDG) mentions the Design Guidelines for Alterations to Dwellings & Extensions (Planning Guidance Note 3) (PGN3), neither the first reason for refusal nor the CDG refer to it further or allege that the appeal proposal would conflict with any aspect of PGN3.
5. Even so, I agree with the Appellant that the weight to be accorded to PGN3 is limited by the fact it has not been adopted as a Supplementary Planning Document, predates both the Framework and the National Design Guide (January 2021) (NDG) and is essentially general local guidance for advisory purposes only. Indeed, in the context of this issue, it is important to note that paragraph 44 of the NDG states 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. The latter is consistent with the advice in paragraphs 130 and 134 of the Framework.
6. The appeal site comprises a detached two storey property set within a spacious plot. The host property is set back from the road, with a garden and parking to the front and a large garden to the rear. The immediate context comprises a mixture of old and new. To the north, the properties are older, but, even so, they include detached two storey houses, bungalows, chalet bungalows and a small terrace. To the south is more recent redevelopment including 123 and 125 Stockbridge Road (No. 123 & No.125) and the Selsey Tram House. The latter is an imposing building of three storeys on the corner of Stockbridge Road with the B2201, comprising a Co-op supermarket on the ground floor, flats above and a large surface car park at the rear.
7. Other than the fact that the road has a linear form, there is, therefore, no uniform character to the part of the road that includes the appeal site. Whilst I do accept that the host property shares some of the features of the older properties in the road, the design, form, layout and detailing of these older properties also varies, with a number having been the subject of extensions and other alterations.
8. Within the above context, the proposed two and a half storey side extension and new roof extension would not appear incongruous or out of character within the streetscene. A reasonable gap would be retained between the proposed side extension and No.123 to the south, as well as on the opposite side with 119 Stockbridge Road (No.119). The resulting building relationships are not dissimilar to those that already exist within the road, where there are several examples of properties with their built form hard up against the

common boundary with adjoining properties. Moreover, the appeal proposal would secure an appropriate transition between the older properties and more recent redevelopment, in terms of design, form and scale and would, therefore, sit reasonably comfortably on the appeal site.

9. I accept that there would be a material change to the scale, design and form of the host property when viewed from the road, but the result would be a development that would refresh the appearance of the host property, with a pallet of existing and new materials securing a development that would not be visually dominant or out of keeping with the streetscene. In that respect, the appeal proposal would also be consistent with the policies of the Framework and NDG, referred to above, which recognise that new development does not need to copy their surroundings and that innovation and change is appropriate provided it fits in with the overall form and layout of their surroundings.
10. Accordingly, I find that the appeal proposal would be compliant with policy 33 of the CLP and paragraph 130 of the Framework. The Council have also referred to policy 47 of the CLP, but this deals with designated and non-designated heritage assets and does not, therefore, appear to be directly relevant to the appeal proposal.

#### *Living conditions - neighbours*

11. In relation to the proposed windows within the first floor north east (side) elevation, I note from the submitted plans and my observations on site, that there are already existing windows in this location. However, the latter serve the stairs and landing, whereas the proposed windows would serve a new bedroom. In view of the latter, I agree with the Council and the objection from the occupiers of No.119, that the proposed windows would result in the overlooking of the bedroom window to that property.
12. The Appellant has suggested that this concern could be addressed by a condition that requires these windows to be obscure glazed with no part of the windows, that are less than 1.7 metres above the floor level of the new bedroom, capable of being opened. Having viewed this relationship on site and mindful of the existing arrangement, I am satisfied that such condition is acceptable and would address the concerns that have been raised in this respect.
13. I am also satisfied that the resulting standard of internal accommodation would be acceptable and would not represent a poor environment. The proposed windows would serve a relatively small bedroom and whilst it is uncommon for windows to such rooms to be obscure glazed, there is no reason as to why they should not be and no substantive evidence before me to indicate that they would, as a consequence, result in a substandard level of accommodation or such a poor environment as to justify the refusal of planning permission.
14. The proposed single storey rear extension would replace the existing single storey extension. As is shown on the submitted plans whilst the new extension would be wider, its proposed depth, relative to the side boundary with No.123, would be similar to existing. The submitted plans and other evidence provided by the Appellant also show that the proposed roof would be lower than existing. There is no evidence before me to challenge those findings and they reflect the observations I made on site. For these reasons, the proposed single

storey extension would not result in any harm to the living conditions of No.123.

15. The Council also allege that the depth, height, siting and mass of the proposed first floor side extension would have an overbearing impact on No.123. This element of the proposal would be sited on the common boundary with No.123 and would project beyond the main rear wall of that property. Even so, the level of projection is not significant and there remains a gap between the two properties, created by the gated pedestrian access to No.123 that runs the entire length of that property. Moreover, the submitted plans indicate that the proposed extension would fall within the 45° angle (line) when drawn from the position of the windows/doors on the rear elevation of No.123. The 45° angle test is widely used in planning to determine the acceptability of rear extensions, as proposed and their potential impact on the living conditions of neighbouring occupiers. I note that this is a test that PGN3 recommends be used in such situations.
16. I accept that there would be some impact on No.123, but all the above factors lead to me to conclude that this impact would be limited and that the proposed extension would not result in any significant harm to the living conditions of No.123. That finding is reinforced by the fact that the proposed side extension would be sited due north of No.123 and would thus not impact on the sunlight received by that property. Again, this factor is recognised in PGN3 where it states that extensions due south of a neighbour's property will have a much greater effect on available sunlight than those (extensions) to the north.
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.119 or No.123 and would, therefore, be compliant 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. Conditions requiring compliance with the submitted plans and for materials, where stated, to match those existing or as shown on the submitted plans are necessary and reasonable to secure a high-quality development. I have, however, added a list of plans for clarity. I have also added a condition, as discussed above, that requires the proposed first floor windows in the north east (side) elevation of the proposed development to be obscure glazed and in part non-openable, to protect the living conditions of the neighbouring occupiers at No.119.

### **Conclusions**

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

*G Roberts*

INSPECTOR