
Appeal Decision

Site visit made on 17 March 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref: APP/C3810/D/22/3290748

4 Florida Close, Ferring BN12 5PF

- 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 Chiswell against the decision of Arun District Council.
 - The application Ref FG/179/21/HH, dated 4 October 2021, was refused by notice dated 9 December 2021.
 - The proposed development is the erection of a front and rear extension, loft conversion and detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a front and rear extension, loft conversion and detached garage at 4 Florida Close, Ferring BN12 5PF in accordance with the terms of the application, ref: FG/179/21/HH, dated 4 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S301A, P201B, P202B, P203B, P204A
 - 3) Notwithstanding the approved drawings, prior to the use of the first floor roof area as a terrace details of privacy screens to the side and rear of the area shall be submitted to and approved by the local planning authority. The approved screens shall be installed before use of the roof area as a terrace commences and shall be maintained as such thereafter.

Main Issues

2. The main issues are the effect of the development having regard to:
 - the character of the dwelling and the surrounding area; and
 - the living conditions of the occupants of 5 Florida Close in respect of privacy.

Reasons

Character and appearance

3. The appeal site relates to a detached bungalow located in a seafront setting on the peripherals of Ferring. The surrounding area is predominantly residential in nature with no prevailing architectural style; the neighbourhood is characterised by dwellings of various size, design and detailing.

4. The proposed extension would introduce a distinctly modern addition to the dwelling, with a simple flat roof design, and using white render and timber cladding to the elevations. The height of the development would be similar to those properties to either side. I note the Council's comments concerning the traditional design and appearance of other dwellings in the locality, however I am aware that the site is not located in a conservation area and there is no indication that there are any listed buildings nearby. Overall, I have no compelling evidence to suggest that there is a particular local distinctiveness that warrants protection.
5. Bearing this in mind, whilst the contemporary approach would appear different to other houses in the area, to my mind this is not in itself a reason to resist the proposal. Paragraph 130 of the National Planning Policy Framework states that decisions should not prevent or discourage appropriate innovation or change. In the absence of any particular heritage or design constraints, and given the multifaceted context of surrounding development, I consider that the scheme would not be harmful to the character and appearance of the area.
6. I note that the Council does not object to the single storey detached garage to the front of the plot, and I have no reason to disagree. It would be of an acceptable design and scale, with no adverse impacts on the public domain.
7. I conclude that the development would not result in harm to the character and appearance of the dwelling and the surrounding area. It would meet with the provisions of policies D DM1 and D DM4 of the Arun Local Plan 2011-2031 (adopted July 2018) and policy 1A of the Ferring Neighbourhood Plan 2014-2029 (adopted November 2014), which seek to secure new development of acceptable scale and appearance.

Living conditions

8. I saw at my site visit a number of first floor windows in the side elevation of 5 Florida Close that look out over the rear garden of the appeal site. As such I am aware that there is already some level of mutual privacy loss between the properties.
9. The appellant has indicated that he would be willing to accept a condition requiring further opaque screens to protect the privacy of the occupants of 5 Florida Close. In addition to those on either flank of the balcony, the panels would wrap around the south-eastern corner and extend part of the way across the rear of the terrace. This would increase the distance between the openings of no.5 and the open section of the balcony.
10. Taken in the round, I am satisfied that such measures would prevent any undue overlooking into the side windows of the neighbouring house at no.5 above and over that presently experienced.
11. I conclude that the proposal would not be detrimental to the living conditions of the occupants of 5 Florida Close in respect of privacy. The scheme would accord with policy D DM4 of the Arun Local Plan 2011-2031 (adopted July 2018) which requires development to prevent adverse overlooking to neighbouring properties.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning

Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.

13. Furthermore, as noted above, a condition requiring details of extra privacy screening is necessary to protect the living conditions of the occupants of 5 Florida Close.

Conclusion

14. For the reasons given, and having regard to all matters raised, the appeal is allowed.

C Hall

INSPECTOR