

Appeal Decision

Site visit made on 7 June 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th June 2022

Appeal Ref: APP/C3810/D/22/3294699
55 Fitzalan Road, Arundel, BN18 9JP

- 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 Miss Michelle Harnett against the decision of Arun District Council.
 - The application Ref AB/130/21/HH, dated 28 October 2021, was refused by notice dated 21 December 2022.
 - The development proposed is erection of single storey rear extension; first floor front and rear facing dormer and porch to front.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey rear extension; first floor front and rear facing dormer and porch to front at 55 Fitzalan Road, Arundel BN18 9JP in accordance with the terms of the application Ref AB/130/21/HH, dated 28 October 2021, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The Council raises no objection to the proposed front porch. I note, however, that the Council regards the design of the proposed dormers as being not in accordance with their adopted policies. Nonetheless, the Council acknowledges that many other similar dormer developments have taken place locally, and the proposals therefore would make little difference to the street scene, and does not object to them. Having regard to what I saw during my visit, I have no reason to disagree with the Council's assessment on these aspects of the proposed development.
3. Having regard to the thrust of the Council's sole reason for refusal, arrangements had been made for me to visit 53 Fitzalan Road to assess the proposal from there, which I did.
4. Contrary to the indication given in their questionnaire response, the Council has since confirmed that the site lies outside any designated Conservation Area.

Reasons

5. The appeal property is a semi-detached bungalow, situated at the end of a long cul-de-sac, adjoining open land to the south. The proposed rear extension would be single-storey, with a flat roof, extending the full width of the rear

- elevation virtually on the common boundary shared with No 53. Near the house, this boundary is demarcated by a high solid timber fence.
6. A rear window in No 53's rear elevation is located fairly close to the fence. The outlook from this window is principally towards the long lawned garden, but the fence is clearly apparent from the window in oblique views.
 7. Should the fence remain in place, the upper part of the extension would be seen from within No 53 and its garden, protruding over the fence by a metre or so. Alternatively, should the fence be removed, the extension's side wall would be seen, at a height of just over a metre above that of the extant fence.
 8. Given the presence of the fence, I do not consider that the added height of the extension would diminish living conditions within No 53 or in its garden. The solid fence already affects outlook from No 53, light to a minimal extent, and causes some overshadowing at certain times of the year given that No 53 lies to the north of it. The additional height of the extension would not in my view make matters materially worse.
 9. However, it appears that the Council's main concern lies not so much with the height of the extension, but its depth, which would be 4.0m or so. In this respect, the officer report says that a 3.0m depth would be that allowed under permitted development. Correspondence exchanged with the Council suggests that a 3.3m depth may prove acceptable, having regard to the guidance on such extensions provided in the Council's SPD¹.
 10. To my mind, however, the additional depth of a metre or so over and above that which the Council would appear to deem appropriate would make no material difference to No 53's living conditions. It certainly would not have an overbearing effect as implied by the Council, given the current boundary treatment. It seems to me that the Council has given insufficient weight to the presence and effects of the existing fence in its determination.
 11. I conclude that the proposed rear extension would not harm the residents of 53 Fitzalan Road by reason of its visual impact, outlook or effect on light. Accordingly, I find no conflict with those provisions of policies D DM1 & D DM4 of the Arun Local Plan directed to protect neighbouring amenities from the adverse effects of development, including extensions.

Conditions

12. In the interests of visual amenity, I shall impose the Council's suggested condition in respect of external materials.
13. It is also necessary, in the interests of certainty that the development shall be carried out in accordance with the approved plans.
14. In the interests of protecting privacy for No 53's residents I shall impose another condition relating to the insertion of additional windows.

¹ Arun Design Guide – Supplementary Planning Document 2021 – Section M

Other matters

15. I have noted the objections raised by the Arundel Town Council, but for the reasons set out above, and in paragraph 2, I do not share their views. Whilst not decisive in my determination I note that the residents of 53 Fitzalan Road did not object to the proposal.
16. I have taken account of all other matters raised in the representations but none outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall begin not later than three years from the date of this decision.
- 2). The development hereby permitted shall be completed in accordance with the following approved plans: S01; P10a & P11a.
- 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). No windows or openings shall be inserted in the northern side walls of the rear roof dormer or the rear ground floor extension hereby permitted without the prior written consent of the Local Planning Authority.