



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: 05 July 2022.

Appeal Ref: APP/L3815/D/22/3297451

101B First Avenue, Batchmere, Chichester, PO19 7LQ

- 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 T Lowe against the decision of Chichester District Council.
 - The application Ref E/22/00112/DOM, dated 18 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is to raise roof by 1.55m to provide rooms in roof.
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Decision

1. The appeal is allowed and planning permission is granted to raise roof by 1.55m to provide rooms in roof at 101B First Avenue, Batchmere, Chichester, PO19 7LQ in accordance with the terms of the application E/22/00112/DOM, dated 18 January 2022, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issues are the effects of the proposal: (a) on the character and appearance of the host property and its surroundings, and (b) on the living conditions of the occupants of neighbouring dwellings with reference to privacy and visual impact.

Reasons

Character and appearance

3. The appeal property is a former agricultural building converted into a dwelling. It stands within a small group of other dwellings at the end of a lengthy driveway which serves other residential, commercial and agricultural properties. Running alongside the appeal property is a Public Right of Way (PROW) which provides access to the open countryside beyond.
4. One of the Council's concerns is that the proposed modifications to the roof would harmfully alter the character of the existing building, which in its view echoes its former agricultural function. I have not been provided with plans or photograph of the former structure, and am therefore not in a position to judge the merits of the conversion. To me, however, the extant building, particularly in respect of openings and fenestration, reads as a domestic building. The additional height sought is relatively modest and I do not therefore share the Council's view that the proposal, if implemented, would prove harmful in terms

of increased height, mass or bulk. Indeed, I consider the additional mass formed would be appropriately proportionate to that of the original building.

5. I walked a short length of the PROW, and as the Council rightly says, the raised roof would be seen when approaching along the path from the west. But the fact that the roof could be seen does not render it objectionable. The enlarged roof in my view would not be unduly prominent in its setting within an established group of buildings, and it would certainly not prove harmfully intrusive. Moreover, it would be of an acceptable design, reflecting the simple form and lines of the extant dwelling.
6. I therefore conclude that the proposed development would not harm the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with the provisions of those policies which I consider to be the most relevant, namely policies 33, 45 & 48 of the Chichester Local Plan (CLP) directed to design, the control of development in the countryside and the protection of the natural environment.

Living conditions.

7. The Council's concerns centre on its concern that the occupants of neighbouring dwellings would lose privacy as a consequence of being overlooked from the proposed rooflights, and that the increased height of the roof would affect their outlook resulting '*...in an unacceptable level of overbearing..*'.
8. The rooflights facing the dwelling to the east would be obscurely glazed to prevent overlooking. The rooflights on the other side of the roof would be clear glazed, but would not directly face residential property¹ sited to the north-west, which are set at right angles to the appeal property. Whilst part of the neighbouring gardens to the north-west would be seen from the rooflights, the principal views obtained would be towards open countryside. I do not consider the extent of overlooking of the neighbouring gardens to be such as to render any loss of privacy to be at an unacceptable level.
9. The Council's comments on outlook are non-specific and general in nature. The spacing between properties is such that the modest level of the increased height proposed would not unacceptably affect the outlook obtained from neighbouring dwellings, and the dwelling, once modified, would not to my mind appear overbearing to neighbouring occupants from their respective gardens.
10. I conclude that the development would not result in harm to the living conditions of neighbouring residents. Accordingly, the proposal satisfies the provisions of criterion 6 of CLP policy 33, requiring proposals to respect neighbouring amenity.

Conditions

11. In the interests of certainty and amenity I shall impose two of the conditions suggested by the Council to clarify the approved plans and in respect of materials.

¹ There are 2 buildings, but one appears to be an annexe for the other

12. As to the other condition requested, the Council requires all rooflights to be obscurely glazed. For the reasons set out above, I do not consider this necessary, but I shall impose a condition requiring the east facing rooflights to be obscurely glazed.

Other matters

13. I have taken account of all other matters raised in the representations. Whilst not decisive in my considerations I note that there were no objections raised by the Parish Council or any local resident. I have also taken account of the various references to the National Planning Policy Framework. No other matter raised 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: 14; 15A; 20 & 21.
- 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
- 4). The additional bedrooms and ancillary spaces hereby permitted shall not be used until the roof lights in the east facing roof of the extension hereby permitted have been glazed with obscure glass which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer). The rooflights shall be non-opening below 1.7 metres from the finished floor level of the room in which the rooflight is installed. The obscurely glazed rooflights once installed shall not be removed or altered but shall be retained at all times.